

HOW TO BECOME
AN EXPERT
COURT REPORTER
ROBERT F. ROSE

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**HOW TO BECOME AN
EXPERT COURT REPORTER**

HOW TO BECOME AN EXPERT COURT REPORTER

By ROBERT F. ROSE

Author of "The Robert F. Rose Expert Shorthand Course," "How to Become a Private Secretary," "How to Construct Shorthand Phrases," "How to Do Law Office Stenography," etc., etc.

EXCLUSIVELY FOR THE USE OF STUDENTS OF THE
ROBERT F. ROSE EXPERT SHORTHAND COURSE

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HOW TO BECOME AN EXPERT COURT REPORTER

COURT REPORTING PREPARATION

It is presupposed that the student of this book has thoroughly mastered all the principles contained in the Robert F. Rose Expert Shorthand Course, and has given the lessons on Court and Convention Reporting the thorough study called for in them. The object of this book is, not only to give further practise matter for this particular branch of shorthand work, but to show by voluminous examples and illustrations, shorthand as written in practical reporting work.

The shorthand notes contained herein are from matter actually reported by me, and while not drawn with the mathematical precision of the notes contained in the lessons, they are extraordinarily well executed free-hand shorthand notes. It is not expected that you will make nearly so beautiful or accurate notes, but persistent, plodding practise will make beautiful notes possible.

SHADING

One cannot write the outlines too accurately, and the shaded strokes should be made heavier than the others *whenever it is possible to do so*. But here is a confession. Using a pen, which is the proper instrument with which to write shorthand, it is at times impossible to show the shading of the heavy strokes. As a rule, court and general reporting requires the writing of shorthand at an extremely high rate of speed. Frequently, there is no time to shade the horizontal strokes, and it will be seen that many of the outlines contained in the

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convention reporting notes given in Lesson Twenty-five of the course are not properly shaded. Nevertheless, they are easily read.

Do not understand that, when it is possible to indicate the more forcibly pronounced sounds by the heavier stroke, the shading should be done away with. Shorthand cannot be written too legibly, and the more care taken in this respect the better will be the result.

PROPER NAMES

The omission of the underlines to show proper names is intentional. It is not recommended that the plan of indicating proper names should be avoided. On the contrary, every device which will aid in reading shorthand notes should be used in case the matter taken is not given at such a rate of speed as to preclude its making. It will be seen that the proper names can be read without hesitation, even though they are not indicated by the distinguishing mark. These names are made on the hypothesis that they are being taken at top speed, and all unnecessary writing is eliminated.

THE NUMERALS

Outlines representing figures must always be given the distinguishing mark, else there would be an attempt to read them for words. You should train yourself to underline these outlines without conscious thought, so that when they are written the hand will instinctively make the underline.

RATE OF SPEED

The rate of speed necessary for all kinds of reporting work is a question difficult to answer. I have known many excellent reporters, capable of making a record which would correctly reflect the proceedings of any case in court, who could not write more than one hundred and fifty words a minute. On the other hand, there are others who can maintain a speed of two hun-

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dred words a minute and more, whose transcripts would be far less satisfactory to their clients.

No matter how fast it is possible for one to write, there are times when no human being can report everything said. Two or three attorneys may participate in acrimonious debate and all talk at the same time. Then it requires a cool head and quick determination to ascertain the important matter to be preserved by shorthand, and that is where an experienced shorthand reporter with less ability as a fast writer will be of infinitely greater value.

Some cases are so slow that a speed of one hundred and twenty-five words a minute will be sufficient to report everything. Others will require double that speed. For instance, in an Interstate Commerce hearing in Jacksonville, Florida, the day following the reporting of the one given in this book, a witness on the stand forty minutes talked at such a rate of speed that a counting of the words in the transcript showed an average speed much greater than two hundred words a minute.

The instance cited was an extraordinary one. It could have been reported by writers limited to one hundred and seventy-five words a minute by judicious condensing and editing. It would not have been a verbatim report, but would have given the Interstate Commerce Commission the full information necessary upon which to base a decision.

In his excellent work on this subject, Mr. Willard B. Bottome gives a table of cases reported by him, showing speed in writing from one hundred and eleven and a half words a minute (the testimony in this case being taken through an interpreter) to two hundred and six and one-fourth words in a personal injury case in which both the attorney and witness were rapid talkers. The average speed in these cases was based on an hour's take in each case.

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My judgment is that one should not attempt to report any kind of a case unless he can maintain a speed for an hour of at least one hundred and seventy-five words a minute.

EDITING

The editing of testimony should be done with extreme caution, but there are times when it must be resorted to. Some attorneys do not care to pay for useless testimony and frequently they will request the reporter to transcribe the testimony in such a manner as to fully preserve the record, but to omit any superfluous matter. In such instances absolute repetitions of questions and answers may be avoided. Generally, however, the attorney desires every word contained in the questions and answers, and enough of the arguments on objections to protect the rights of the party. This has been explained in the court reporting lessons in the course.

In some states the attorneys will request the stenographer to write up testimony "in the narrative"—that is, to condense it without transcribing it in question and answer form. Then, there must be editing of the testimony. For instance, the first portion of typical testimony of a witness would be transcribed:

"My name is John Smith; residence, 428 Oakland Boulevard, Chicago; I know the complainant and defendant in this case; have known complainant about fifteen years and defendant about four years."

This narrative form does not prevail in all states, and is only ordered by the attorney in order to save himself the work of condensing the testimony from the full record for printing purposes.

In hearings before investigating or other bodies, or in proceedings before an examiner of the Interstate Commerce Commission, as shown herein, there should

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be no editing. Every word spoken by the attorneys, witnesses, examiner, and interested parties must be reproduced. At times there will be many railroad officials who may interject questions or remarks, and the hearing may take on a semblance of a town hall meeting. In such cases, however, the examiner, who is experienced in presiding over hearings, will generally limit the talk to one party at a time.

DICTATION PRACTISE

Repeated dictation of the same matter is the best practise. It trains the mind and hand harmoniously to work together. It impresses upon the mind every outline for word or phrase taken in the dictation. It familiarizes you with the outlines to such an extent that you are able to write them correctly at a high rate of speed, and gives you that thorough acquaintance with shorthand notes which is necessary to read without hesitation.

In order to give you the necessary practise, and that you may secure the very best results, there is set forth a method of practise which I have tried with surprising success. There are seventy-six pages of practise matter contained in the Interstate Commerce Commission investigation, and the deposition printed in this book, as well as the shorthand notes of an equal number of pages. It is not enough merely to take this matter from dictation. We must become so familiar with every word and phrase outline that it will be possible to write it without conscious thought. The practise of writing isolated phrases is good, but is not enough; we must write those phrases as they occur in sentences.

There is consequently given a list of the phrases contained in each page of the matter to be received from dictation. Each page of these notes should be given repeated practise. First, you should read the shorthand notes, analyzing each outline and determining

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what principles are employed in the word and phrase construction. Then, dictation of the phrase list should be had as directed, writing each phrase at least fifty times. After this is done you may take from dictation the particular page to which the list refers, carefully writing the notes according to the outlines given.

TALKING MACHINE DICTATION

And this should be done at a rate of speed at which you can make your best notes. Do not sacrifice precision and accuracy for speed in writing. If you employ a reader, caution him against reading too fast. I have used, and still use, a talking machine to which I dictate the practise matter at the rate of speed desired.

In the last few years there have been times when I have been out of the shorthand business. However, I have never allowed my interest in the subject to wane and have kept up my shorthand practise. I have my talking machine, which is my dictator at my home, and evenings not otherwise employed are devoted to this practise. Not only in order to retain the speed in writing which I may possess, but to gain speed, I follow the method herein outlined.

Two evenings' practise of two hours each is not too much to devote to this "preliminary" practise on one page. Then another record of the same matter may be made on the talking machine, dictating it at a higher rate of speed. It should not be so fast, however, as to destroy the neatness of the outlines. That one exercise may be taken for an hour and a half. Then, you may take up the next page and do the same with it.

When you have completed this practise on one case, you may have all of the testimony in the case dictated to you over and over again. You will find that your preliminary practise has given you ability to write the correct outlines at a faster rate of speed and without conscious effort.

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But dictation is not enough. After working up a speed of about one hundred and fifty words a minute, you should try your wings in sermon reporting, the taking of speeches and, if possible, the writing of shorthand in court simply for practise. Your first efforts will be discouraging, because of surroundings to which you are not accustomed. You may be compelled to attempt to write the shorthand notes of a sermon on your knee, and you will feel that the major portion of the sermon has escaped you. The first ten minutes will be more difficult than the next and the first sermon or speech attempted to be taken will be attended with terrors which will dissemble with repeated efforts.

'And in all this work you should attempt first to write good outlines, and second, to get enough of what is being said to "make sense." In this way you will be getting a training which will be valuable to you when you come to the actual shorthand reporting and encounter those difficult periods when several people are discussing some question at the same time. It will give you the ability to take down the salient and important parts and to eliminate those words which are not absolutely necessary in order to reproduce the "meat" of the subject.

INTERSTATE COMMERCE COMMISSION INVESTIGATIONS

Notes are given of an investigation conducted before Special Examiner J. Edgar Smith, at Savannah, Georgia, on the 13th day of January, 1914. Of course these are not the actual notes taken at the time, for two very good reasons. The original notes are on file with the shorthand reporting firm which has the contract for the reporting of all these hearings. Even if it were possible for me to get them, it would be impracticable to reproduce them here for the reason that the original notes were taken on a larger size paper and the transcript would make about three pages of printed matter.

In these investigations the usual "question and answer" form is not used. Whenever the examiner or attorneys or the witnesses speak, the transcript must show their names. At times in these hearings railroad officials who are not attorneys will volunteer information or will ask questions. For instance, it will be noted that Mr. W. J. Craig answered several inquiries of the examiner before his name appeared in the record as a witness (see page 50). It was necessary to stop the proceedings at that time in order that his name could be secured for the record.

The first column of the note book sheet is reserved for the examiner, the second column for the complainant's attorney, and the third column for the defendant's attorney, while the witness' answers are written in the wide column to the right.

When exhibits are offered in evidence they are marked with a rubber stamp, the name of the witness is shown, the proper exhibit letter or number, and the date of the offer. The notation showing the receipt of

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an exhibit is consequently changed from that which obtains in court reporting. An examination of the transcript printed on page 68 will show the correct form to be used in such cases.

Not only is it necessary to show the date on which the hearing took place, but the exact hour when it started, and at its close there must be a notation of the exact time of the close of the proceedings.

An examiner for the Interstate Commerce Commission travels from city to city where hearings have been set. The official reporter is the custodian of the papers filed, such as the complaint, answer, etc., and the entire file is known as the "docket." He consequently has an excellent opportunity to examine the papers and ascertain the nature of the proceedings to be had. He may make temporary expedients to be used in each case. For instance, an examination of the files showed me that the Atlantic Coast Line Railroad Company was the defendant. On the first page, after the title and memoranda necessary to get up the first page of the record, I wrote "Atlantic Coast Line Railroad Company" and after that wrote the temporary expedient employed. Knowing that it would be referred to by the witnesses as the "Atlantic Coast Line," I made an expedient for those words. I found that the question was whether the Fourth Section had been violated by the prevailing rates from Monteith to Savannah and from Monteith to Ridgeland and from Ridgeland to Savannah. I adopted expedients for the words "Monteith," "Ridgeland," "Ridgeland and Savannah," "Monteith and Ridgeland," "Monteith and Savannah," and "Fourth Section." The papers also informed me that the words "Intrastate" and "interstate" would be given in the testimony, and I placed the notation on my first page "look out for *interstate* and *intra-state*." Although I knew from past experience in reporting these investigations that these words are used in nearly every inves-

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tigation, I made this note in order to make me more cautious and to remind me to listen more carefully to the witnesses and attorneys when either of the words was spoken.

Beginning with the following page are given the phrase lists for practise work in connection with the Interstate Commerce Commission hearing dictation matter. The plan outlined herein should be followed if the best results are to be obtained. Follow the instructions and the time devoted to the work will be a most profitable investment.

PHRASE LISTS

PAGE 44

The following are special temporary phrases for use in this case only, obtained by an examination of the docket and complaint and answer on file therein. They should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Atlantic-Coast-Line-Railroad-Company, Atlantic - Coast-Line, Monteith, Ridgeland, Ridgeland-and-Savannah, Monteith-and-Ridgeland, Monteith-and-Savannah, fourth-section, state-commission, railroad-commission, Georgia-Commission, South-Carolina-Commission, interstate, intrastate.

PAGE 46

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Interstate-Commerce-Commission, has-set, at-this-time-and-place, the-complaint, against-the, Atlantic-Coast-Line-Railroad-Company, this-case-is, on-the, six-thousand-forty-two, and-was, twenty-seven, nineteen-thirteen, is-the, yes-sir, calls-attention, to-the, that-it-is-not, from-the-complaint, to-tell, of-the, fourrh-seetion, is-in-issue, and-that, in-the-event, asks-the, under-the, which-is, proteeting-the, in-question, should-make, in-eonnection-with-this, would-be-made, in-ease-the, had-been, or-the, should-show, and-waives, that-it-may-have, a-formal, in-eonnection-with-the, whieh-may-be, in-that, you-may-proceed, we-will-offer-in-evidence, a-letter, I-would-like-for-you, to-state-the, of-this, I-would-like-you-to-state-the, upon-which-yon, to-rely.

After concluding the above outlined work, have the matter contained on page 46 dictated to you fifty

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times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 48

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

We-will-show, that-the, from-Ridgeland, South-Carolina, to-Monteith-Georgia, sixty-five, to-Savannah, twenty-five, a-dollar, more-than-the, of-the, that-there-is, a-bridge, for-which, any-excess, be-made, and-that-it-lies, Ridgeland-and-Monteith, no-such, charge-is, for-that-part-of-the, district-from, and-therefore-the, Atlantic-Coast-Line, for-the, does-not, that-is-the, sum-and-substance, of-it, there-is-no-question, as-to-the, rate-of-fare, is-there, I-see-in-the, Atlantic-Coast-Line-Railroad-Company, Monteith-and-Ridgeland, twenty-four-and-a-half, and-between, Monteith-and-Savannah, ten-and-a-half, there-will-be, no-dispute, about-that, and-under-the-circumstances. I-will-not, to-introduce-the, with-this, shows-the, between-Savannah, rate-of, is-it-not-fair, to-assume, although-it-is-not, in-the, that-the, would-be, and-from-Monteith-to-Savannah.

After concluding the above outlined work, have the matter contained on page 48 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 50

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

We-had, come-down, to-prove, if-you-make-the, from-Ridge-land-to-Monteith, and-from-Monteith-to-Savannah, it-would-be, twenty-five, that-is-what, a-traveling, did-that, last-night, and-if-the, a-continuous, to-Savannah, number-of, taken-on, would-be, my-client, thirty-nine, under-the, on-file-with-the, Interstate-Commercee-Commission, and-according, to-our-regu-

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lations, he-cannot-take, intrastate, a-book, is-not, in-Georgia, a-tariff, it-is, you-say, yes-sir, the-complainant, to-prove, that-as-a-matter-of-fact, it-is-done, if-it-is-done, a-violation, of-the, and-a, of-our, rules-and-regulations, it-was, was-it-not.

After concluding the above outlined work, have the matter contained on page 50 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 52

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

No-sir, on-the-contrary, we-took, thirty-nine-and-five-tenths, the-combination, was-not, to-the, and-according, to-our, there-is-no, that-statement, to-get-this, in-the-record, at-the-present-time, at-the, from-Ridgeland-to-Monteith, how-many-miles, would-be, we-would-pull, twenty-five, I-understand-that, at-present, intrastate, is-not, in-the, State-of-Georgia, so-you-could-not-pull, from-Monteith, into-Savannah, prior-to-that, would-it-be, how-late, was-that, went-into, nineteen-twelve, tells-me, so-that-the, to-which, I-have-referred, I-do-not-know, that-it, prior-to-that-time, interstate.

After concluding the above outlined work, have the matter contained on page 52 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 54

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Of-the, a-man, interstate, to-use, from-Ridgeland-to-Monteith, and-intrastate, from-Monteith-to-Savannah, is-there a-thing, yes-sir, how-much, would-be, in-that, under-the, railroad-commission, of-Georgia, we-pull, it-would-require-the,

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and-we-understand-that-the, on-the-combination, what-is-your-name, where-do-you-live, South-Carolina, are-you-the-complainant, in-this-case, I-am, do-you-travel, Ridgeland-and-Savannah, I-do, and-my, I-will-ask-you-to-state-whether-or-not, you-have-ever, on-a, no-sir.

After concluding the above outlined work, have the matter contained on page 54 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 56

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Will-you-please-state-whether-or-not, you-have-observed-the, of-the, in-mileage, from-Ridgeland-to-Savannah, I-object-to-the-question, for-the-reason, that-you-cannot, change-the, legal-tariff, by-testimony, of-what, was-done, the-construction, of-a, is-a-matter-of-law, and-is-confined, to-that, if-it-is-the-to-prove-the, I-want-to-prove-the, I-observed, last-night, and-I, between-those, yes-sir, how-long, has-it-been, under-your-observation, for-some, I-have-been, these-matters, for-several-years, did-you-have, to-notice, for-this, Ridgeland-and-Savannah, and-Monteith-and-Savannah, I-did, and-from, Ridgeland-and-Monteith, did-not-know-the, and-I-told-him, it-was, twenty-five, that-he-was, to-pull, out-of, Mr.-Hudson's, what-is-the, when-you-buy, a-ticket, a-dollar.

After concluding the above outlined work, have the matter contained on page 56 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 58

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

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What-is-the, from-Ridgeland-to-Monteith, when-you-buy, a-ticket, sixty-five, I-would-like-to-know, how-you-know-that, I-paid, last-night, five-hundred-eighty-one, I-will-ask-if, on-yesterday, you-purchased, a-ticket, I-did, nineteen-forty-two, for-which, a-dollar, did-you-pay, on-the, from-Monteith-to-Savannah, how-much, twenty-five, there-is-the, cross-examination, it-seems-to-me, that-you-are, familiar-with-the, and-things, of-that, what-is-that, yes-sir, I-have-been-in-this, in-order-to, get-it, to-try, to-get-the-matter, I-see-it-is, a-practice, of-yours, is-it-not, to-buy, a-local, to-where, a-train.

After concluding the above outlined work, have the matter contained on page 58 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 60

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Does-not, and-the-other, a-through, to-where-the, and-then, on-the-train, to-present-the, and-demand, that-you, at-a-point, yes-sir, if-you-want, to-get-the-matter, in-shape, you-have, to-prepare, for-it, do-you-mean-to-say, that-you-have, many-times, that-the, interstate, from-Ridgeland-to-Monteith, intra-state, from-Monteith-to-Savannah, are-you-willing-to-swear-to-that, I-have, a-ticket, in-my, it-was, twenty-five, is-there-any-dispute, about-that, there-is, that-is, an-interstate, that-has-been, was-that-your, no-sir, to-a, do-you-mean-to-tell-us, that-when-you-got, and-came, from-Monteith, the-conductor, into-Savannah, something-like-that, I-cannot-say-whether-or-not, I-observed, heard-the, about-it, I-keep, a-hotel, and-the, at-my-hotel, and-they-talked, about-the-matter.

After concluding the above outlined work, have the matter contained on page 60 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

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PAGE 62

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

How-long-have-you-been, them-say, ever-since, I-had-the, with-the, railroad-commission, of-the, State-of-Georgia, they have, it-since-that-time, but-not, you-know, of-course, that this, was-not, seventeen, nineteen-thirteen, I-do-not-know-whether-that, or-not, Mr.-Hudson, a-book, these-times, that you-have, that-the-Georgia, out-of-the, I-was-told-that, at-my-place, and-at-that-time, I-do-not-know-anything-about-the, have-not-been, you-do-not-know, what-kind, of-a, it-was, I-do-not, you-do-not-know-whether, you-do-not-know-anything-about-it, that-is-all, will-you-please-state-your-name, and-occupation, where-is, place-of-business, South-Carolina, I-would-like-to-know-whether-or-not, you-have, a-mileage, which-you, from-the, Atlantic-Coast-Line-Railroad-Company, yes-sir.

After concluding the above outlined work, have the matter contained on page 62 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 64

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-would-like-to-know, how-often, you-travel, Ridgeland-and-Savannah, two-or-three-times, a-month, I-would-like-to-know-whether-or-not, in-traveling, you-have-had-your, from-Ridgeland-to-Savannah, yes-sir, and-will-you-please-state-whether-or-not, you-have-had, from-Monteith-to-Savannah, no-sir, the-conductor-claims, under-the-law, it-could-not-be, in-the, that-you, use-the, he-said-that-the, and-he, a-quarter, that-was, last-night, did-you, from-Ridgeland, what-is-the, it-is, a-dollar, you-did-not-pay, did-you, I-never-have, I-use, and-they-always, thirty-nine-miles, you-did-not, off-the-train.

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I-notified-the, I-was-not, to-get, and-you, an-interstate-trip, did-you-not, cannot-be, State-of-Georgia, and-I, bought-it, that-is, Atlantic-Coast-Line, on-the, South-Carolina, I-want-to-show.

After concluding the above outlined work, have the matter contained on page 64 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 66

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Has-no, on-it, at-all, that-the, one-hundred-and-fifteen, to-the, farther-than-the-other, I-have, an-Atlantic-Coast-Line, railroad-commission, South-Carolina, one-hundred-ninety-nine, thirty-third, annual-report, what-is-the, of-that, nineteen-eleven, it-was-the, I-could, on-page, one-hundred-ninety-three, of-this, same-report, gives-the, fourteen, wait-a-minute, I-have-got, to-figure-this, twenty-and-four-tenths, while-the, by-the, by-their-report, twenty-four-and-five-tenths, I-do-not-think-there-is, any-dispute, that-they, over-the, same-tracks, I-see-that, a-moment, did-you, to-introduce-the, I shall-have, a-fare, from-Monteith-to-Savannah, last-night, for-part-of, from-Ridgeland-to-Savannah, that-is-right, yes-sir, completing-the, Mr.-Hudson, has-been, since-the, in-the.

After concluding the above outlined work, have the matter contained on page 66 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 68

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Last-night, I-have-paid, once-or-twice, I-made-the, from-

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Monteith, I-used, to-go, to-Monteith, to-see, and-I-would-come, to-Savannah, rather-than, I-do-not-remember-the, I-paid, at-that-time, that-was-the, first-time, you-ever, did-that, I-have-done, that-time, I-would-get, off-the-train, and-then, on-again, what-was-the, to-break-the, if-you-could, use-the, I-did-not-use, this-time, you-did-not, did-you, I-did-not, there-are, twenty-five, I-believe, Mr.-Lipman, and-the-other, Mr.-Hudson, in-every-respect, and-both, last-night, it-is-not, on-a-trip, from-the-beginning, to-be, an-interstate-trip, I-take-it, from-Ridgeland-to-Savannah, they-will, be-received, in-evidence.

After concluding the above outlined work, have the matter contained on page 68 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 70

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-will-offer-in-evidence, a-copy-of, a-letter, is-there-objection, to-this, of-its, being-a, no-sir, to-the, railroad-commission, of-the, State-of-Georgia, thirty, nineteen-seven, of-Ridgeland, in-which-he, South-Carolina, in-regard-to-the-matter, Monteith-and-Savannah, by-referring, to-our-local, in-effect, nineteen-four, I.C.C., eighty-six, seventy-nine, it-will-be-seen, that-Monteith, to-be, in-South-Carolina, instead-of, and-the, distance-is, fourteen-and-four-tenths, I-am-unable, to-explain, how-this, should-have, into-the, Monteith-is, a-small-flag-station, and-this, to-be-the, first-time, that-this, has-been, to-our, from-Monteith, to-the, should-be, thirty-three, we-shall, to-correct, at-once.

After concluding the above outlined work, have the matter contained on page 70 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

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PAGE 72

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-think, Mr-Examiner, that-is-all, we-have, for-defendant, your-name-is, yes-sir, you-are, traffic-manager, of-the, Atlantic-Coast-Line-Railroad-Company, and-in-charge-of-the, Atlantic-Coast-Line, please-state-whether-or-not, you-are, in-this-case, are-you-familiar-with-the, and-the, and-have-you-been, for-many-years, you-have-been-connected, with-the, and-are-familiar-with-the, about-how-many-years, eleven-and-a-half, previous-to-that-time, were-you, I-was, a-dependent, of-the, and-Carolina, this-section, in-fact, thirty, I-have-been-connected, with-the, of-South-Carolina.

After concluding the above outlined work, have the matter contained on page 72 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 74

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-are-you-familiar-with-the, topography, of-this-country, and-the, and-elimaties, and-those, as-well-as-the, and-passenger, of-it, they-all-within, your-knowledge, yes-sir, I-am, familiar-with-that, as-to-the-question, I-will-get-you-to-state-the, character-of-the, stating-the, and-why-there-has-been, if-there-has-been, between-those-points, I-have, a-paper, you-have, a-little, that-you-have-made, from-which-you, to-explain-the, Ridgeland-and-Monteith, and-Savannah, and-Charleston, Atlantic-Coast-Line, and-how-the, into-Savannah, and-its, local-station, I-will-get-yon, with-referenee-to-this, and-in-such-a-way, that-the, will-show-the, without-the, offered-in-evidence, from-Charleston, South-Carolina, to-Savannah, one-hundred-and-fifteen, you-say, that-is-the, use-now, in-onr-tariff's, and-in-our, of-through-rates.

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After concluding the above outlined work, have the matter contained on page 74 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 76

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-local, and-everything-else, it-passes, through-the, tide-water, South-Carolina, a-section, eight-or-nine, it-is, a-very, low-section, and-has, per-square-mile, any-other-section, of-the, with-both, and-black, is-not-very, is-it, no-sir, I-have-the, along-with-that, but-the, in-this, that-is, Beaufort-County, that-is-where, of-this, thirty-nine-hundred-sixty-three, it-has-that, number-of, white-people, in-it, there-is, an-area, nine-hundred-twenty, square-miles, an-average, of-only, four-and-three-tenths, and-the, eighty-six-and-nine-tenths, thirteen-and-one-tenth, would-be, how-many, entire-population-is, thirty-thousand-three-hundred-fifty-five, a-decrease, in-population.

After concluding the above outlined work, have the matter contained on page 76 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 78

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

In-the, percentage-of, fourteen-and-five-tenths, I-get, from-the-United-States, and-we-have, of-the, do-you-mean-to-say, by-the, on-the, an-increase, and-which-have, a-decrease, in-population, yes-sir, showing-the, as-well-as-the, Mr.-Craig, thirteenth, South-Carolina, and-he, to-the, of-said, in-this, entire-distance, one-hundred-fifteen, there-are, and-they-are, three-hundred-thirty, two-hundred-fifty, fifty-four, and-the,

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as-you-will-see, entire-population, sixty-eight-and-eight-tenths, thirty-one-and-two-tenths, and-it-is.

After concluding the above outlined work, have the matter contained on page 78 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 80

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

To-a, are-you-willing-to-testify, I-do, to-testify, that-the, negro-population, in-that-section, to-our, an-industrial, and-agricultural, yes-sir, and-that-they-only, on-occasions, and-their, and-they, must-be, very-low, what-is-the, and-Savannah, in-Savannah, I-do-not-know, I-will-take-up-the, there-are-no, I-know-of, Ridgeland-and-Savannah, I-am-acquainted-with, in-Beaufort-County, describe-the, topographical, out-the, Ridgeland-and-Monteith, and-the, it-is, a-low, the-construction, and-operation, line-is, and-trestles, we-are-now, in-replacing.

After concluding the above outlined work, have the matter contained on page 80 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 82

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Every-one, of-those, a-large, majority-of-them, and-we-are, in-their, an-automatic, a-protection, to-life, and-property, five-or-six-thousand, and-the, one-hundred-thousand, and-we-have, all-the, do-yon-mean-the, yes-sir, from-all-the, in-South-Carolina, on-the, where-there-is-no, to-the, it-requires, and-replacing, makes-it-the, part-of, I-will-ask-you-then, if-it-is-

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not-a-fact, in-this, you-have-the, and-at-the-same-time, and-maintain, is-that, a-correct-statement, I-am-sorry, to-say, that-that-section, has-not, on-the-contrary, has-gone-back, for-the-last, and-will-you-please-state-whether-or-not, your-road-has, a-reduction.

After concluding the above outlined work, have the matter contained on page 82 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 84

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

About-how-far, is-it, from-Charleston, to-Ridgeland, it-is, seventy-five-and-five-tenths, that-is-the-point, by-the-complaint, what-are-the, from-there, do-you, yes-sir, cross-the, which-are-the, on-the, that-is, and-we-have-just, and-it-is, probably-the, in-this-country, four-hundred-and-seventy-four-thousand, I-will-ask-you-to-state-whether-or-not, you-travel, a-swamp, to-Monteith, about-how-many-miles, is-that, thirty-five, please-state, what-Monteith, is-it, a-town, what-is-it, it-is, a-hamlet, we-have-no-station, a-cross-road, which-has-been, in-existence, thirty-or-forty, it-is-the, across-the, a-little, from-the.

After concluding the above outlined work, have the matter contained on page 84 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 86

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

It-is, a-point, on-which, to-base-the, yes-sir, have-you, an-agent, no-sir, is-not-incorporated, it-is-not-shown, in-the, and-has-no, at-all, I-will-ask-you-if-you-will, describe-that, topographical, and-other, from-Monteith, to-Savannah, and-state-

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whether-or-not, from-Ridgeland, to-the, is-in, Beaufort-County, that-has, a-decrease, in-the, five-thousand, in-population, cross-the, we-have, and-it-is, well-known, Chatham-County, is-in-the, city-of, and-there-is, I-would-like-to-know-whether-there-is, there-are, a-distance, and-then, a-ridge, back-of-the, I-will-get-you-to-state, where-the, Atlantic-Coast-Line, it-was, what-the, mathematical, would-be, present-station, was-not, and-why, I-would-like-you-to-state, what-you-did, and-in-the, and-what-the, with-the.

After concluding the above outlined work, have the matter contained on page 86 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 88

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

When-this-case, a-case, to-this-case, just-a-minute, I-will-state, that-that-was-the, and-transportation, I.C.C., it-was, twenty-four, eighteen-ninety-eight, this-report-of-the, Interstate-Commerce-Commission, and-the, of-it-is, bureau-of, naming-the, and-others, docket-number-of-the, is-not-given, but-the, of-the, I-would-like-to-know-whether-the, in-that, a-component, part-of-the, yes-sir, and-it-is-now, a-part-of-the, Atlantic-Coast-Line-Railroad-Company, with-your, of-that, at-that, at-the-time-the, and-to, nineteen-two, from-the, around-the, and-came, on-the, southeastern, side-of-the.

After concluding the above outlined work, have the matter contained on page 88 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 90

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

From-this, from-the-present, that-was, an-old, a-wooden,

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and-since-that-time, in-connection-with-the, Seaboard, Air-Line, a-new, a-cost, seven-hundred-forty-two-thousand, in-the, of-this, we-had, in-view, to-the-business, the-other-transportation, steamship, in-other-words, it-was, a-location, that-has, served-the, of-the, is-the, at-all, only-as, to-freight, it-is, alongside-of, there-is, only-one, in-Savannah, for-the, Atlantic-Coast-Line-Railroad-Company, that-is-the, and-with, to-this, station-is, about-a, to-the, is-it-not, yes-sir, toward-the, more-than, a-mile, in-that-direction, is-that, I-have-my, I-think-it-is, southeasterly, and-the, of-its, and-your-own, built-this, is-that-it.

After concluding the above outlined work, have the matter contained on page 90 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 92

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Yes-sir, that-is-it, and-in-so, when-it-comes, to-the, you-have, from-Monteith, how-many-miles, with-the, we-have, four-and-one-tenth, I-will-ask-you-to-state-whether-or-not, out-of, increased-the, no-sir, people-of, what-kind, of-a, I-mean, as-to, it-is, a-larger, fifty-or-one-hundred, and-a, at-this, for-the, no-more, for-this, please-do-not-understand, to-say, that-the, has-been, it-has-been, that-it-is, a-Savannah, that-we-have, a-much, that-it, did-not, and-should-not, in-view, of-the, which-was, throughout-the, there-is-no, for-instance, where-there-has-been, a-change.

After concluding the above outlined work, have the matter contained on page 92 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 94

The following phrases should be written from dicta-

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tion at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

There-has-been, a-change, more-than, a-mile, has-there-not, one-third, in-each-direction, same-is-true-with, I-can, cite-the, where-they-have, two-or-three, and-the, are-the, to-each, four-and-a-half, from-their, same-rates, how-did, that-the, for-the, fourteen, upon-which-you-made-your, from-Monteith, and-a, was-taken, to-the, railroad-commission, of-Georgia, Mr.-Lipman, a-rate-of, twenty-five, and-Monteith, do-you-know-whether-or-not, it-was-the, that-you, a-uniform, by-the, of-the, state-of-Georgia, yes-sir, is-this, a-fair, from-your, I-understand-that-you, although-the, mileage-of, your-line, from-the, South-Carolina, and-from-Monteith, has-been, what-it-was.

After concluding the above outlined work, have the matter contained on page 94 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 96

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

That-so-far-as, you-are, Atlantic-Coast-Line-Railroad-Company, of-the, interstate, in-bound, out-bound, and-that-the, and-out-of, have-not-been, to-correspond, with-the, mathematical, in-the, that-is, and-it-is-not, I-would-like-to-state, Mr.-Examiner, at-the-time, between-Savannah, and-Monteith, I-am-afraid, I-stated, my-proposition, a-little, I-did-not, had-not-been, at-all, I-meant, to-state, that-the, by-reason, of-the, I-do-not-ask-you, if-there-was, I-do-ask, if-there-has-been, any-increase, and-if-so, if-they-were, I-do-not-know, with-the, from-Monteith, which-was-made, under-the, railroad-commission, State-of-Georgia, has-not, in-any, interstate, intrastate, in-that-station, in-other-words, it-made, that-was-made, to-Monteith, is-that-it, I-am, to-try, to-make, I-want, this-case, just-as, clear-as-possible, there-has, been-no, there-was, a-

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reduction, in-our, by-the, throughout-the, entire-territory, and-that.

After concluding the above outlined work, have the matter contained on page 96 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 98

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

That-has-nothing, to-do, with-this, no-sir, I-wanted, to-make-it, at-the-time, of-the, bureau-of, and-transportation, against-the, and-Savannah, will-you-please-state, what-the, from-Charleston, since-that-time, interstate-rates, as-follows, eighteen-ninety-eight, to-Charleston, four-forty, nineteen-hundred, three-forty-five, nineteen-thirteen, two-ninety, to-Ridgeland, one-forty-nine, one-fifteen, that-is, thirty-three-and-one-third, in-that-time, has-there-been, in-the, of-the, from-Ridgeland, since-the, Interstate-Commerce-Commission, has-been, which-was-then, a-very, in-this, there-has-been, a-reduction, fifty-eight-thousand-one-hundred-sixty, a-decrease, that-is, seventy-five, it-means, eight-hundred-and-forty-six-thousand-five-hundred-twenty-eight.

After concluding the above outlined work, have the matter contained on page 98 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 100

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Which-was, a-very, along-this-section, a-number-of-years, given-way, to-the, and-Tennessee, thus-the, that-were, years-ago, have-passed, depriving-a, number-of, and-forced-the, to-other-sections, I-will-state-that, sixty-nine-and-two-tenths, of-the, South-Carolina, Beaufort-County, thirty-two, which-is.

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so-far-as, is-concerned, forty-five, fifty-five, all-of-the, into-consideration, this-section, forty-two, of-its, in-farms, sixty-nine, for-the, it-is, a-section, that-is-not, and-we-are, our-money, to-develop, to-do, anything-with-it, on-account, do-you-mean-to-say, that-it-is, yes-sir, your-rates, eighteen-ninety-six, under-the, state-railroad-commission, a-mile, were-they, what-are-they, two-and-a-half, will-you-please, when-the, was-made, and-state-whether-or-not, if-the.

After concluding the above outlined work, have the matter contained on page 100 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 102

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Were-paid, they-were, there-has-been-time, for-the, rules-and-regulations, permeate-the, in-other-words, if-this, was-not, an-exception, and-if-it, was-done, it-was, because-the, did-not-understand-the, this-question, South-Carolina, has-just, before-the, Interstate-Commerce-Commission, and-they-rendered, a-decision, which-is, to-you, in-view, of-the, state-law, we-were-compelled, withdraw-that, in-South-Carolina, Georgia-Commission, an-order, and-put, which-are, in-effect, forces-the, from-our, withdraw-the, from-Georgia, Mr.-Lipman, that-the, local-fare, from-Ridgeland-to-Savannah, he-paid, sixty-five, to-Monteith, an-endeavor, to-get-the, the-conductor, at-fault, and-it-was, against-his, accept-that, interstate, from-Monteith-to-Savannah, collecting-an, fifteen, that-is, which-would-make-the, into-Savannah, twenty-five, which-is, yes-sir, and-fifteen, I-thought-you, that-there-was-no, that-is-right.

After concluding the above outlined work, have the matter contained on page 102 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

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PAGE 104

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Is-it-possible, for-you, to-collect-that, where-there-is-no-ticket, yes-sir, on-an, interstate, he-is-not, a-Monteith, there-is-no-question-about-that, I-was, as-a-matter-of-fact, are-open, to-prosecution, I-do-not-think-there, will-be, any-prosecution, because-it-was, to-test, this-case, Mr.-Lipman, should-have, sixty-five, to-Monteith, and-also, twenty-five, and-that, would-have, protected-the, of-our, would-be, which-is, higher-than, the-other, yes-sir, would-have-been, Mr.-Hudson, on-a, and-they-are, when-he, the-conductor, should-have-collected, from-him, what-is-the, I.C.C., with-regard, to-those, eleven-hundred-sixty-five, suppose-the, on-the, asked-for, what-effect, would-it-have, upon-the, Atlantic-Coast-Line-Railroad-Company, and-in-the, of-its, on-the.

After concluding the above outlined work, have the matter contained on page 104 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 106

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

It-would-mean, a-readjustment, of-our, entire-tariffs, and-south, of-every-rate, we-have, and-practically, one-hundred-and-fifty, two-hundred-thousand, in-the, of-the, Atlantic-Coast-Line-Railroad-Company, per annum, have-you, idea-of-the, would-be, a-very, outside-of-the, but-the, would-be-the, and-the, yes-sir, it-would, all-our, between-the, is-it-possible, for-you, give-me, an-approximation, it-would-be, five-or-six-thousand, without-taking, into-consideration-the, what-do-you-think, it-would-cost, aside-from-the, Mr.-Clark, I-think, at-least, ten-thousand, and-clerical.

After concluding the above outlined work, have the

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matter contained on page 106 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 108

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Is-there-anything-further, you-desire, to-state, I-would-like-to-state, that-that, has-been, and-laid-with, eighty-five, steel-rails, have-been, and-they-are, getting-a, and-it-is, at-the, of-the, and-during-all-that-time, another-question, it-was, that-the, in-some-reports, to-the-South-Carolina-Commission, and-Savannah, to-the, Interstate-Commerce-Commission, and-state, I-refer, I.C.C., twenty-nine-sixty-five, showing-the, twenty-five-and-one-tenth, to-say, I-do-not-think-so, cross-examination, one-hundred-fifteen, when-the, yes-sir, and-that, a-loop, three-or-four, around-the, city-of, and-that-was, accommodate-the, with-its, wasn't-it, in-connection-with.

After concluding the above outlined work, have the matter contained on page 108 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 110

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

No-sir, that-was-the, Bolton-Street, called-the, was-it, or-the, Liberty-Street, I-mean-the, and-Liberty-Streets, at-that-place, don't-they, yes-sir, does-this, represent-that, and-it-was, in-order-to, at-that-time, that-had, above-the, we-have-not, was-the, railroad-wharf, ever-built, in-Georgia, wasn't-it, I-think-so, that-railroad, and-was-the, isn't-that-true, not-the, only-railroad, that-had, near-the, that-is-right, I-asked-you, if-it, with-the, that-your-road-went, around-the, to-the-river, I-could-not-tell-you-that, I-was-not-connected-with-the, and-you-remember, that-they, a-line.

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After concluding the above outlined work, have the matter contained on page 110 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 112

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

In-that-direction, to-which-the, on-this, is-the, a-triangle, to-the, and-lower-portion, of-the, to-which-reference-is, I-will-ask-you-if, a-passenger, by-the, Atlantic-Coast-Line-Railroad-Company, not-only, from-Savannah, also-the, to-be, didn't-it, no-sir, do-you-mean-to-say, that-this, is-not-correct, to-our, lengthened-the, then-the, from-this-point, on-this, at-the, which-is-the, to-the, shorter-than-the, at-the-union, I-assume, have-been, what-is-the-amount, of-that, a-mile, it-is, about-a, you-understand, it-is-not, in-view, of-this, being-a, for-the-trains, to-perform, in-other-words, we-back.

After concluding the above outlined work, have the matter contained on page 112 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 114

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

You-back, for-instance, a-service, into-the, and-that, two-and-three-quarters, another-fraction, of-a, that-is, what-accounts, for-the, I-don't-know, I-understood-you-to-say, that-one, of-the, should-justify-the, in-the, over-the, is-the, and-the, and-Charleston, that-is, a-factor, isn't-it-a-fact, that-those, Monteith-and-Charleston, yes-sir, and-there-are-no, Monteith-and-Savannah, no-sir, I-will-ask-you-to-state-whether-or-not-the, from-Charleston, any-point, on-the, and-including, will-you-please, look-that, Mr.-Clark, from-Mon-

EXPERT COURT REPORTER

teith-to-Savannah, is-it-not, that-was, by-the, Georgia-Commission, I-would-like-to-know-whether-or-not, you-have, why-the, is-justified, in-traveling, and-is-not-justified, you-understand, of-course, that-the, interstate-rates, that-we-do-not, all-of-the, on-a, in-view, of-the.

After concluding the above outlined work, have the matter contained on page 114 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 116

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-they-are, to-be, in-accordance-with-the, I-will-ask-you-to-state, what-the, Ridgeland-and-Savannah, which-is-not, Ridgeland-and-Monteith, you-understand-that-you-are, a-question, and-we-do-not-think, should-be, I-will-ask-you-if-you-know, what-the, what-would-be, a-proper, for-the, my-best-judgment, in-your-judgment, you-are-entitled, upon-the, of-the, and-the, what-it-is-that, I-would-like-to-know, why-you, for-it-is, that-you-have, with-that, instead-of-the, that-has-the, of-those, on-the, in-Savannah, we-have, changed-the, we-have-not, that-the, a-change, in-the, there-is-absolutely, and-Monteith, is-just, a-cross-road, a-station, a-postoffice, and-it-is-only-taken, entire-business, I-will-take-the, ask-the-question, over-again, I-would-like-you-to-state, what-the, justify-the, in-charging, Monteith-and-Savannah, and-which, do-not, when-you, from-Monteith.

After concluding the above outlined work, have the matter contained on page 116 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 118

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

EXPERT COURT REPORTER

I-think, I-have-answered-that, there-is-no, to-Monteith, was-not, as-a-point, from-which, to-which, there-would-be, any-traffic, to-it, from-it, and-in-view, of-the, that-the-Georgia-Commission, changed-the, there-was-no-such, as-you, have-stated, if-there-is-no-question, would-you, change-the, that-you, do-not, do-so, is-the, I-am-after, I-will-see-whether-it-is, for-me, to-make-that, to-both-the, and-defendant, a-great-many-cases, to-this, by-the-Interstate-Commerce-Commission, and-submitted, and-are, to-our, from-time-to-time, I-under-stand, Mr.-Craig, to-testify, that-crossing-the, and-swamps, either-side, they-have, a-bridge, something-like, four-hundred-and-seventy-five-thousand, if-that-is, let-us-assume, that-from-Charleston, to-a, at-the, South-Carolina, of-that-bridge, are-made, on-mileage, at-Monteith, in-Georgia, of-the, and-from-there, into-Savannah, were-based, let-us, a-rate, between-this-station, in-South-Carolina, at-the, over-the, between-that-station, and-the, in-Georgia, would-be, for-the, and-the, and-everything-else.

After concluding the above outlined work, have the matter contained on page 118 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 120

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Your-proposition, to-this-extent, I-see-it, you-ask, Mr.-Craig, if-the, from-Charleston, to-Monteith, on-mileage, for-the-purpose, at-the, of-the, if-you, build-your-rate, when-there-is-no, of-Monteith, from-Monteith-to-Savannah, is-that-your-question, yes-sir, is-it, a-continuous, where-that, if-it-is, it-is-the, that-there-is-no, where-the, between-Charleston, and-Monteith, and-when-the, extra-is, it-is, by-the, if-it, but-the, for-that, has-been, and-the, should-be, you-understand-the, complainant's-question, answer-it, as-best, you-can, it-becomes-necessary-for-us, to-make, an-explanation, of-it, and-I, I-can-make, meet-the, that-the, in-themselves, and-legal,

EXPERT COURT REPORTER

when-the, Georgia-Commission, I-understand-it, is-not-the, no-sir, eighteen-ninety-eight, you-say-that-the, between-Charleston, and-Savannah, four-forty.

After concluding the above outlined work, have the matter contained on page 120 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 122

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

That-was, a-combination, of-the, in-South-Carolina, and-the, in-Georgia, wasn't-it, I-could-not-tell-you, I-will-ask-if-you-will-be, to-figure-it, for-me, and-see, if-that-does-not, with-it, I-think-that-was-the, in-the-other, that-it-was-not, to-save-time, and-figuring, let-us-assume, that-that-is-the, that-the, and-it-was, wouldn't-that, figure-out, to-a, between-Charleston, and-Savannah, it-would-make-it, four-forty-three, I-will-ask-you, to-indicate, upon-which-you, one-hundred-fifteen, to-the, eighteen-and-seven-tenths, I-always, to-be, I-don't-know, what-it-is, upon-the, as-it-is, in-this, from-the, railroad-commission, of-Georgia, do-you, figure-it-is, four-forty-one, I-should-say-that-that-is, I-would-like-you-to-state-whether-the, nineteen-hundred, it-was, in-Georgia, and-South-Carolina, wasn't-it.

After concluding the above outlined work, have the matter contained on page 122 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 124

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-think-it-was, three-and-a-quarter, between-Charleston,

EXPERT COURT REPORTER

and-Savannah, three-forty-five, yes-sir, and-it-would-make, how-much, would-be, a-mile, I-was-under-the, it-was, nineteen-thirteen, two-ninety, and-is, on-a, one-hundred-fifteen, that-may-be-true, two-and-a-half, does-that, as-though, it-were, a-mileage, no-sir, it-is, are-you-prepared-to-state, that-that-was-not, to-be, I-am-not, prepared-to-state-that, you-testified, that-this, of-your-road, one-hundred-and-fifty, two-hundred-thousand, a-year, it-would, if-that-is-right, what-would, a-reduction, ninety-five, in-the, of-a, I-do-not-know, of-course, it-would-be-many-times.

After concluding the above outlined work, have the matter contained on page 124 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 126

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

It-would-be, nine-and-a-half, wouldn't-it, would-be, one-million-nine-hundred-thousand, a-year, yes-sir, and-what-would, a-reduction, fifty-five, on-each, you-can, figure-that, I-have, a-million-one-hundred-thousand, is-that-it, eighteen-ninety-eight, four-forty, and-the, nineteen-hundred, three-forty-five, and-that-was, ninety-five, rate-of, two-ninety, that-is, so-the, of-those, represent-the, by-those, did-you-say, I-am-just, leading-him, on-the, a-passenger, two-hundred-thousand, a-year, these-total, which-have-been, would-make, an-aggregate, three-million, I-just, want-to-show, your-statement, I-would-like-to-know-whether, you-know, how-many, over-that-line, per-annum, there-is-a-report, to-the, Interstate-Commerce-Commission, giving-the, here-is-the, I-know-the, outside-of, my-line, ridiculous-the, of-that, a-year.

After concluding the above outlined work, have the matter contained on page 126 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

EXPERT COURT REPORTER

PAGE 128

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Two-million, a-year, with-your-testimony, I-may-assume, from-the-figures, you-gave, there-must-be, forty-five-hundred, fifty-eight-hundred, a-day, from-the-points, to-Savannah, and-points, I-was-mistaken, what-is-the, per-diem, over-that-part-of-the, for-the, I-would-say, that-the, it-will-be, five-hundred, and-northward, I-should-say, three-hundred, and-in-the, summer-the, and-in-the-winter, yes-sir, eight-hundred, would-be, a-fair, it-would-be, eighty, three-hundred-and-sixty-five, on-the, twenty-nine-thousand, it-would-mean, is-thereanything-further, in-this-case, I-would-like, offer-in-evidence. will-be.

After concluding the above outlined work, have the matter contained on page 128 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 130

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Do-you, to-argue, this-case, before-the, it-will, my-client, if-he, to-go, to-Washington, and-argue, I-shall-do-so, I-will-reserve-the, you-can, waive-that, at-any-time, yes-sir, will-you-desire, a-brief. I-would-like, to-do-so, the-complainant's, must-be, twenty-fifth, give-me, after-that, I-have-no-objection, he-may-have-it, for-all, I-care, at-the, will-be, and-the.

After concluding the above outlined work, have the matter contained on page 130 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

EXPERT COURT REPORTER

INTERSTATE COMMERCE COMMISSION HEARING TRANSCRIPT

The following pages contain the shorthand notes and their transcript, of the hearing before Examiner Smith. This matter should be taken from dictation a great many times, the phrasing carefully adhered to, and the notes made as neatly as possible. First, however, it would be well to read the shorthand notes very frequently and gain a familiarity with them which will enable you to write them easily and without hesitation. Too much work cannot be devoted to them for the making of correct shorthand notes in one case drills you in the correct formation of outlines and enables you to write other matter correctly and with the least possible effort.

Read every outline you make. Get acquainted with your own notes. After much practise work on this hearing, write it from the beginning to the end and then transcribe your notes on the typewriter and compare your transcript with that given in this book.

First write a "cover page." That may consist of the title, docket number, date and appearances, with your name and address as the reporter. Make the second page an "Index" such as is shown on page 43. Then write the first page of the transcript, as shown on page 44. The third page will begin the "Proceedings" as shown on Page 46.

EXPERT COURT REPORTER

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EXPERT COURT REPORTER

BEFORE THE
INTERSTATE COMMERCE COMMISSION

-x

SOLOMON LIPMAN,	:
Complainant,	:
vs.	:
ATLANTIC COAST LINE RAILROAD	Docket No. 6042.
COMPANY,	:
Defendant.	:

-x

Savannah, Georgia, January 13, 1914. 10:00 a. m.

BEFORE ·

J. EDGAR SMITH, Special Examiner.

Met pursuant to notice.

APPEARANCES:

GEORGE W. BECKETT, (Beaufort, South Carolina),
Attorney for the Complainant.

R. WALTON MOORE, Esq., (Washington, D. C.), by

M. P. CALLAWAY, Esq., appearing for the Atlantic Coast Line Railroad Company, Defendant.

Savannah, Ga., Jan'y 13, 1914 - 10 am.

Solomon Lipman $\frac{1}{2}$) v. J. Edgar Smith $\frac{1}{2}$)
vs
Atlantic Coast Line Co. $\frac{1}{2}$) { Docket No. 6042
Railroad Company $\frac{1}{2}$) (Pursuant to Notice)
George W. Beckett (Beaufort $\frac{1}{2}$) {
R. Walton Moore $\frac{1}{2}$) v. W. P. Callaway $\frac{1}{2}$)

Atlantic Coast Line RR Co. = $\frac{1}{2}$) / Atlantic Coast
Line = $\frac{1}{2}$) Monteith = $\frac{1}{2}$) / Ridgeland = $\frac{1}{2}$)
Ridgeland and Savannah = $\frac{1}{2}$) / Monteith and
Ridgeland = $\frac{1}{2}$) Monteith & Savannah = $\frac{1}{2}$)
Fourth Section = $\frac{1}{2}$) / State Commission = $\frac{1}{2}$)
Railroad Comin = $\frac{1}{2}$) Georgia Comin = $\frac{1}{2}$)
South Carolina Comin = $\frac{1}{2}$)

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EXPERT COURT REPORTER

PROCEEDINGS

Examiner Smith: Gentlemen, the Interstate Commerce Commission has set for hearing at this time and place the complaint of Solomon Lipman against the Atlantic Coast Line Railroad Company. This case is known on the docket as No. 6042, and was filed August 27, 1913. Is the complainant ready?

Mr. Beckett: Yes, sir.

Examiner Smith: Is the defendant ready?

Mr. Callaway: Yes, sir.

Examiner Smith: Before beginning this proceeding, the Examiner calls attention to the fact that it is not practicable, from the complaint, to tell just what particular violation of the Fourth Section is in issue, and that in the event Fourth Section complications are developed, the Commission asks the carrier to give reference to the particular application under the Fourth Section which is relied upon as protecting the rates in question. The carrier should make at this time, in connection with this hearing, such defense of these Fourth Section violations as would be made in case the formal application had been assigned for hearing in connection herewith. Or the record should show that the carrier makes such defense and waives any right that it may have for a formal hearing, in connection with the particular Fourth Section violations which may be involved in that particular proceeding. You may proceed, gentlemen.

Mr. Beckett: We will offer in evidence a letter from—

Mr. Callaway: I would like for you to state the object of this. I would like you to state the points in the complaint upon which you expect to rely.

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EXPERT COURT REPORTER

Mr. Beckett: We will show that the fare from Ridgeland, South Carolina, to Montieth, Georgia, is sixty-five cents; that the fare from Montieth, Georgia, to Savannah, Georgia, is twenty-five cents; that the fare from Ridgeland to Savannah proper is a dollar—ten cents more than the aggregate of the two fares; that there is a bridge for which any excess charge might be made and that it lies between Ridgeland and Montieth, but no such excess charge is made for that part of the road; that the district from Montieth to Savannah is thoroughly settled and therefore the suggestion contained in the answer of the Atlantic Coast Line that the sparsely settled condition of the country accounted for the ten cents difference does not apply. That is the sum and substance of it.

Examiner Smith: There is no question as to the rate of fare and no question as to the difference, is there? I see in the answer of the Atlantic Coast Line Railroad Company that the actual distance between Montieth and Ridgeland is twenty-four and a half miles and between Montieth and Savannah is ten and a half miles.

Mr. Beckett: There will be no dispute about that, and under the circumstances I will not desire to introduce the letter.

Examiner Smith: The answer goes on to say that the tariff on file with this Commission shows the distance between Savannah and Monteith as fifteen miles. The defendant admits that the rate of sixty-five cents fare between Ridgeland and Monteith and that the fare between Monteith and Savannah is twenty-five cents. Is it not fair to assume, although it is not stated in the answer, that the mileage coupons collected from Ridgeland and Monteith would be twenty-five in number, for twenty-five miles, and from Monteith to Savannah ten in number, ten miles?

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EXPERT COURT REPORTER

Mr. Beckett: Yes, we had two gentlemen come down last evening to prove that.

Examiner Smith: If you make the trip in two parts, that is, from Ridgeland to Monteith and from Monteith to Savannah, it will be twenty-five plus ten.

Mr. Beckett: That is what happened yesterday evening. Mr. W. D. Hudson, a traveling man, did that last night.

Examiner Smith: And if the mileage book is offered at Monteith for a continuous trip to Savannah, the number of miles taken out would be forty?

Mr. Beckett: My client says thirty-nine.

Mr. W. J. Craig: Under the tariff on file with the Interstate Commerce Commission, and according to our regulations, he cannot take any intra-state mileage from a book from Monteith to Savannah. Our interchangeable mileage ticket is not good in Georgia points.

Examiner Smith: As a tariff proposition it is impossible, you say?

Mr. Craig: Yes, sir.

Examiner Smith: The complainant offers to prove by two witnesses that as a matter of fact it is done.

Mr. Craig: If it is done, it is a violation of the tariff and a violation of our rules and regulations.

Examiner Smith: Formerly, it was true, was it not?

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EXPERT COURT REPORTER

Mr. Craig: No, sir. On the contrary we took thirty-nine and five-tenths miles or forty miles. The combination was not fixed according to the tariff and according to our instructions there is no tariff that would warrant that statement.

Examiner Smith: Now, just to get this straight in the record, suppose at the present time we arrive at the mileage from Ridgeland to Monteith. How many miles would be pulled?

Mr. Craig: Ridgeland to Monteith, we would pull twenty-five.

Examiner Smith: I understand that at present the intra-state mileage is not good in the State of Georgia so you could not pull anything from Monteith into Savannah. Prior to that change in the tariff, from Ridgeland to Monteith would it be twenty-five miles?

Mr. Craig: Ridgeland to Monteith, yes, sir, and Monteith to Savannah, fifteen miles.

Examiner Smith: Now, how late was that effective?

Mr. Craig: Our corrected regulations went into effect June 1, 1912, my chief clerk tells me.

Examiner Smith: So that the old practise to which I have referred ceased on June 1, 1912?

Mr. Craig: I do not know that it existed prior to that time.

Examiner Smith: But interstate mileage was good.

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EXPERT COURT REPORTER

Mr. Craig: Interstate mileage was good until December 17, of the past year.

Examiner Smith: Assuming then that a man had interstate mileage to use from Ridgeland to Monteith and intra-state mileage from Monteith to Savannah—is there such a thing?

Mr. Craig: Yes, sir.

Examiner Smith: How much would be pulled in that case from Monteith to Savannah?

Mr. Craig: Under the orders of the Railroad Commission of Georgia, we pull ten miles from Monteith to Savannah, but it would require the purchase of two books, and we understand that the Commission has ruled on the combination of any two rates.

SOLOMON LIPMAN was called as a witness, and having been duly sworn testified as follows:

DIRECT EXAMINATION

Mr. Beckett: What is your name?

Mr. Lipman: Solomon Lipman.

Mr. Beckett: Where do you live, Mr. Lipman?

Mr. Lipman: Ridgeland, South Carolina.

Mr. Beckett: Are you the complainant in this case?

Mr. Lipman: I am.

Mr. Beckett: Do you travel occasionally between Ridgeland and Savannah?

Mr. Lipman: I do, quite often, and my family does, too.

Mr. Beckett: Now, Mr. Lipman, I will ask you to state whether or not you have ever traveled on a mileage book?

Mr. Lipman: No, sir.

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EXPERT COURT REPORTER

Mr. Beckett: Now, Mr. Lipman, will you please state whether or not you have observed the requirements of the railroad in mileage books for passage from Ridgeland to Savannah?

Mr. Callaway: I object to the question for the reason that you cannot change the effect of any legal tariff by testimony of what was done. The construction of a tariff is a matter of law and is confined to that. If it is the purpose to prove the custom—

Mr. Beckett: I want to prove the actual practise.

Mr. Lipman: I observed it last night and I observed it before.

Mr. Beckett: You have observed the requirements of the railroad in mileage books for passage between those two places.

Mr. Lipman: Yes, sir.

Mr. Beckett: How long has it been under your observation?

Mr. Lipman: Oh, for some years. I have been watching these matters for several years.

Mr. Beckett: Did you have occasion yesterday to notice particularly the mileage pulled for this distance between Ridgeland and Savannah and Monteith and Savannah?

Mr. Lipman: I did, last night.

Mr. Beckett: What mileage was pulled, and from whom, between Ridgeland and Monteith?

Mr. Lipman: The agent, Mr. Page, did not know the exact mileage and I told him it was twenty-five miles that he was entitled to pull and he pulled twenty-five miles out of Mr. Hudson's book last night.

Mr. Beckett: What is the fare from Ridgeland to Savannah when you buy a ticket?

Mr. Lipman: It is a dollar.

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EXPERT COURT REPORTER

Mr. Beckett: What is the fare from Ridgeland to Monteith when you buy a ticket?

Mr. Lipman: Sixty-five cents.

Mr. Beckett: I would like to know how you know that?

Mr. Lipman: I paid sixty-five cents last night for ticket No. 581, from Ridgeland to Monteith.

Mr. Beckett: I will ask if, on yesterday evening, you purchased a ticket from Ridgeland to Savannah?

Mr. Lipman: I did, No. 1942, Ridgeland to Savannah, for which I paid a dollar.

Mr. Beckett: Did you pay on the train from Monteith to Savannah?

Mr. Lipman: I did.

Mr. Beckett: How much?

Mr. Lipman: Twenty-five cents. There is the slip (handing paper to Mr. Beckett).

CROSS EXAMINATION

Mr. Callaway: It seems to me, Mr. Lipman, that you are familiar with the making of memoranda and things of that sort.

Mr. Lipman: What is that?

Mr. Callaway: I say it seems to me that you are familiar with the making of memoranda and things of that sort.

Mr. Lipman: Yes, sir, I have been in this matter in order to get it adjusted—to try to get the matter adjusted.

Mr. Callaway: Yes, I see it is. It is a practise of yours, is it not, Mr. Lipman, to buy two tickets, one a local ticket

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EXPERT COURT REPORTER

to where a train does not stop and the other a through ticket to where the train does stop, and then, on the train, to present the local ticket and demand that you be put off at a point where the train does not stop?

Mr. Lipman: Yes, sir, if you want to get the matter in shape, you have to prepare for it.

Mr. Callaway: Do you mean to say that you have observed many times that the interstate mileage was pulled from Ridgeland to Monteith and the intra-state mileage from Monteith to Savannah? Are you willing to swear to that?

Mr. Lipman: I have a ticket in my satchel showing it was pulled for twenty-five miles from Ridgeland to Monteith.

Mr. Callaway: Is there any dispute about that twenty-five miles from Ridgeland to Monteith?

Mr. Lipman: Yes, sir, there is.

Mr. Callaway: That is an interstate ticket that has been pulled for twenty-five miles?

Mr. Lipman: Yes, sir.

Mr. Callaway: Was that your ticket?

Mr. Lipman: No, sir, it belongs to a friend.

Mr. Callaway: Now, Mr. Lipman, do you mean to tell us that you have frequently observed that when you got to Monteith and came on from Monteith, the conductor pulled ten miles from Monteith into Savannah, or something like that?

Mr. Lipman: I cannot say whether or not I observed it, but I have heard the traveling men talk about it. I keep a hotel and the traveling men stop at my hotel, and they talked about the matter.

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Mr. Callaway: How long have you been hearing them say that, Mr. Lipman?

Mr. Lipman: Ever since I had the matter up with the Railroad Commission of the State of Georgia, they have pulled it since that time, but not before.

Mr. Callaway: You know, of course, that this Georgia mileage book was not issued until December 17, 1913?

Mr. Lipman: I do not know whether that mileage book was purchased or not, but Mr. Hudson had a book—

Mr. Callaway: These times that you have observed that the Georgia mileage was pulled out of the book for ten miles—

Mr. Lipman: No, no. I was told that by the traveling men who stopped at my place.

Mr. Callaway: And at that time that book was not issued?

Mr. Lipman: I do not know anything about the books that have not been issued.

Mr. Callaway: You do not know what kind of a book it was?

Mr. Lipman: No, I do not.

Mr. Callaway: You do not know whether it was pulled or not? You do not know anything about it. That is all.

W. D. HUDSON was called as a witness, and having been duly sworn testified as follows:

DIRECT EXAMINATION

Mr. Beckett: Will you please state your name and occupation, Mr. Hudson?

Mr. Hudson: W. D. Hudson, general merchandise.

Mr. Beckett: Where is your place of business?

Mr. Hudson: Ridgeland, South Carolina.

Mr. Beckett: Now, I would like to know whether or not you have a mileage book which you bought from the Atlantic Coast Line Railroad Company?

Mr. Hudson: Yes, sir.

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EXPERT COURT REPORTER

Mr. Beckett: Now, Mr. Hudson, I would like to know how often you travel between Ridgeland and Savannah?

Mr. Hudson: Two or three times a month.

Mr. Beckett: I would like to know whether or not, in traveling between Ridgeland and Savannah, you have had your mileage pulled from Ridgeland to Savannah?

Mr. Hudson: Yes, sir.

Mr. Beckett: And will you please state whether or not you have had it pulled from Monteith to Savannah?

Mr. Hudson: No, sir. The conductor claims that under the law it could not be pulled in the state that you use the mileage on. He said that the distance from Monteith was ten miles and he charged me a quarter. That was last night.

Mr. Beckett: Did you start from Ridgeland to come to Savannah?

Mr. Hudson: Yes, sir.

Mr. Beckett: What is the fare from Ridgeland to Savannah?

Mr. Hudson: It is a dollar.

Mr. Beckett: You did not pay a dollar, did you?

Mr. Hudson: I never have paid a dollar, because I use mileage and they always pull thirty-nine miles.

Mr. Beckett: You did not get off the train?

Mr. Hudson: No, sir, I notified the conductor I was not going to get off.

Mr. Beckett: And you completed an interstate trip, did you not?

Mr. Hudson: The mileage we use can not be used in the State of Georgia, and I bought it in Richmond, Virginia. That is Atlantic Coast Line mileage.

Mr. Beckett: Now, on the question of the distance between Charleston, South Carolina, and Savannah, Georgia, on the Atlantic Coast Line, I want to show that the Union Station

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EXPERT COURT REPORTER

has no distance placed on it at all, but that the 115 miles is to the Bolton Street station. The Bolton Street station is farther than the other. I have received an Atlantic Coast Line report to the Railroad Commission of South Carolina, contained on page 199 of the 33rd annual report.

Examiner Smith : What is the date of that report ?

Mr. Beckett : 1911. It was the only copy that I could get. On page 193 of this same report, the Southern Railway gives the distance from Hardyville to Savannah, Union Station, as fourteen miles—wait a minute, I have got to figure this out—20.4 miles, while the distance from Hardyville by the Atlantic Coast Line as shown by their report is 24.5 miles. I do not think there is any dispute that they run over the same tracks.

Mr. Callaway : May I see that a moment ?

Examiner Smith : Did you wish to introduce the rate ?

Mr. Beckett : I shall have a fare receipt from Monteith to Savannah.

Examiner Smith : Which Mr. Hudson got last night for part of this trip from Ridgeland to Savannah ?

Mr. Beckett : That is right, yes, sir, completing the trip.

Mr. Callaway : Mr. Hudson, this cash fare proposition has been in use since the change in the mileage book ?

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Mr. Hudson: It happened last night. I have paid it before once or twice when I made the trip from Monteith. I used to go to Monteith to see parties there and I would come to Savannah rather than stay around Monteith. I do not remember the cash fare I paid at that time.

Mr. Callaway: That was the first time you ever did that?

Mr. Hudson: Oh, no, I have done it often besides that time. Sometimes I would get off the train and then get on again.

Mr. Callaway: What was the occasion or reason of your doing that—

Mr. Hudson: To break the trip.

Mr. Callaway:—if you could use the mileage?

Mr. Hudson: I did not use no mileage.

Mr. Callaway: This time you did not get off the train, did you?

Mr. Hudson: No, I did not.

Examiner Smith: There are two cash fare receipts for twenty-five cents, I believe. One is offered by Mr. Lipman and the other by Mr. Hudson. They are similar, I believe, in every respect and both were received last night.

Mr. Callaway: It is not disputed that both were used on a trip intended from the beginning to be an interstate trip, I take it, from Ridgeland to Savannah.

Examiner Smith: They will be received in evidence.

The receipt so offered and identified, was received in evidence and thereupon marked "Lipman Exhibit No. A, received in evidence January 13, 1914," and is attached hereto.

The other receipt referred to, so offered and identified, was received in evidence and thereupon marked "Hudson Exhibit No. B., received in evidence January 13, 1914," and is attached hereto.

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Mr. Beckett: I will offer in evidence a copy of a letter signed by — is there objection to this offer because of its being a copy?

Mr. Callaway: No, sir.

Mr. Beckett: I will offer in evidence a copy of a letter signed by W. J. Craig, addressed to the Railroad Commission of the State of Georgia, dated March 30, 1907, referring to the complaint of Mr. S. Lipman, of Ridgeland, in which he says:

"Referring to the complaint of Mr. S. Lipman, of Ridgeland, South Carolina, in regard to the matter of the rate assessed between Monteith and Savannah, Georgia, by referring to our local passenger tariff, in effect July 1, 1904, I. C. C. No. A-86, page 79, it will be seen that Monteith is shown to be in South Carolina instead of Georgia, and the distance is 14.4 miles. I am unable to explain how this mistake should have crept into the tariff. Monteith is a small flag station, and this happened to be the first time that this mistake has been brought to our attention. The correct distance from Monteith to the Union Station should be ten and a fraction miles, charged to the eleven miles tariff, thirty-three cents. We shall proceed to correct accordingly at once."

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The letter so offered and identified, was received in evidence and thereupon marked "Lipman Exhibit No. C., received in evidence January 13, 1914," and is attached hereto.

Mr. Beckett: I think, Mr. Examiner, that is all we have.

Whereupon the Complainant rested.

Whereupon the Defendant offered the following evidence.

W. J. CRAIG, was called as a witness, and having been duly sworn testified as follows:

DIRECT EXAMINATION

Mr. Callaway: Your name is W. J. Craig?

Mr. Craig: Yes, sir.

Mr. Callaway: You are Traffic Manager of the Atlantic Coast Line Railroad Company, and in charge of the passenger affairs of the Atlantic Coast Line?

Mr. Craig: Yes, sir.

Mr. Callaway: Please state whether or not you are in charge of the matters at issue in this case, Mr. Craig?

Mr. Craig: Yes, sir.

Mr. Callaway: Are you familiar with the passenger business and the adjustments, and have you been for many years, Mr. Craig?

Mr. Craig: Yes, sir.

Mr. Callaway: You have been connected with the Atlantic Coast Line Railroad Company and are familiar with the passenger business for about how many years?

Mr. Craig: About eleven and a half years.

Mr. Callaway: Previous to that time, where were you?

Mr. Craig: I was with a dependent of the Atlantic Coast Line, the Charleston, Western and Carolina Railway that covers this section. In fact, for thirty years I have been connected with the railroads running through this particular section of South Carolina.

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Mr. Callaway: And are you familiar with the topography of this country and the agricultural, industrial, and climatic conditions, and those general facts, as well as the railroad and passenger feature of it? Are they all within your knowledge?

Mr. Craig: Yes, sir, I am thoroughly familiar with that.

Mr. Callaway: Now, Mr. Craig, as to the question of mileage, I will get you to state the character of the mileages, first stating the former mileages, and why there has been a change, if there has been a change, in the mileages between those points?

Mr. Craig: I have here a paper—

Mr. Callaway: You have a little sketch that you have made from which you wish to explain the location of Ridgeland and Monteith and Savannah and Charleston, as well as the Atlantic Coast Line, and how the Atlantic Coast Line comes into Savannah.

Mr. Craig: Yes, sir.

Mr. Callaway: And its present local station or depot, and its previous local station or depot.

Mr. Craig: Yes, sir.

Mr. Callaway: I will get you to explain those facts with reference to this sketch, and in such a way that the testimony will show the facts without the sketch being offered in evidence, starting at Ridgeland and bringing it down to Savannah.

Mr. Craig: The Atlantic Coast Line distance from Charleston, South Carolina, to Savannah, Georgia, was 115 miles.

Examiner Smith: You say "was."

Mr. Craig: Yes. That is the distance we use now in our tariffs and in our computations of through rates and local

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rates and everything else. It passes along through the tide-water section of lower South Carolina, a section traversed by eight or nine rivers. It is a very low section and has less white population per square mile than possibly any other section of the Southern States.

Examiner Smith: The population, with both white and black, is not very dense, is it?

Mr. Craig: No, sir, the population is very small. I have the population that goes along with that, but the population in this particular county, that is, Beaufort County—

Examiner Smith: That is where Ridgeland is located?

Mr. Craig: That is where Ridgeland is located, sir. The population of this particular county is but 3963. It has that number of white people in it. There is an area of 920 square miles, or an average of only 4.3 persons to the square mile, and the colored forms 86.9 of the total population, the white population being 13.1 per cent.

Examiner Smith: That would be how many colored people?

Mr. Craig: The entire population is 30,355, and only 3963 are white. Beaufort County actually shows a decrease in

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population in the last ten years, the percentage of decrease being 14.5 per cent. The figures I get from the United States Census and we have before us one of the maps.

Mr. Callaway: Do you mean to say that by the colors on the map it shows which counties have an increase and which have a decrease in population?

Mr. Craig: Yes, sir.

Mr. Callaway: Showing the percentage of the population and the percentages of the increase and the decrease?

Mr. Craig: The percentage of the increase and the decrease, as well as the percentage of the population.

Examiner Smith: Mr. Craig refers to a bulletin of the thirteenth Census of the United States headed "Population of South Carolina" and he refers specifically to the map on page 6 of said bulletin.

Mr. Craig: In this entire distance of 115 miles, there are only three incorporated towns, and they are Ridgeland, with 330 people, Yemassee, with 250 people, and Jacksonboro, with 54, and the largest of the towns, as you will see, numbers only 330 people. Of the entire population of the counties between Charleston and Savannah, 68.8 per cent. are negroes and only 31.2 are white, and it is generally admitted that the colored

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population furnish practically no support to a railroad company.

Mr. Callaway: Are you willing to testify to that, Mr. Craig?

Mr. Craig: I do wish to testify that the negro population, especially in that section, furnish practically no support to our railroad.

Mr. Callaway: From an industrial and agricultural standpoint?

Mr. Craig: From an industrial and agricultural standpoint, yes, sir, and that they only go on occasions of excursions and their funds are soon exhausted. They occasionally go on excursions, and they must be very low rate excursions.

Mr. Callaway: What is the source of livelihood of the negro population between Charleston and Savannah, particularly in Savannah?

Mr. Craig: I do not know. Now I will take up the manufacturing feature. There are no industrial plants that I know of between Ridgeland and Savannah, none that I am acquainted with certainly in Beaufort County.

Mr. Callaway: Describe the topographical situation, beginning at Charleston, pointing out the location of Ridgeland and Monteith and the general surroundings there?

Mr. Craig: It is a low coastal plain. It is bisected by eight rivers. The construction and operation of the line is very expensive because of the bridges and trestles. We are now engaged in replacing every one of those bridges with

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heavy steel structures, a large majority of them, and we are putting in there an automatic derailing device, as a protection to life and property. Those derailing devices cost five or six thousand dollars each and the new bridges about one hundred thousand. The river spreads out and we have all the rain and water from above.

Mr. Callaway: Do you mean the flood tide?

Mr. Craig: Yes, sir. We get that from all the rivers in South Carolina because we are down on the coastal plain where there is no fall to the river. It requires constant attention, and the expense of trestles and replacing them and the expense of the frequent bridges, makes it the most expensive part of our line to operate.

Mr. Callaway: I will ask you then if it is not a fact that in this particular section of the country you have the least remunerative road and at the same time one of the most expensive to operate and maintain? Is that a correct statement?

Mr. Craig: Yes, sir. I am sorry to say that that section of the country has not improved, but on the contrary, has gone back for the last twenty years.

Mr. Callaway: And will you please state whether or not your road has had a reduction in rates?

Mr. Craig: Yes, sir.

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Mr. Callaway: About how far is it from Charleston to Ridgeland, Mr. Craig?

Mr. Craig: It is 75.5 miles.

Mr. Callaway: Now, Mr. Craig, at Ridgeland, that is the point covered by the complaint. What are the conditions from there to Monteith? Do you cross any rivers or swamps?

Mr. Craig: Yes, sir, we cross the Savannah River swamps which are the worst on the line. That is about two miles wide, and we have just bridged it, and it is probably the most modern railway construction in this country. It cost \$474,000.

Mr. Callaway: Now, I will ask you to state whether or not you travel through a swamp down to Monteith?

Mr. Craig: Yes, sir.

Mr. Callaway: About how many miles is that?

Mr. Craig: Thirty-five miles.

Mr. Callaway: Please state what Monteith is? Is it a town or station, or what is it?

Mr. Craig: It is a hamlet. We have no station at Monteith. It is a cross-road which has been in existence thirty or forty years.

Mr. Callaway: It is the first stopping point across the Georgia line.

Examiner Smith: South of the Savannah River?

Mr. Craig: South of the Savannah River, yes, sir. It is a little west of the Savannah River from the —

Examiner Smith: South of the Savannah River or west?

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Mr. Callaway: It is merely a point on which to base the combination rate?

Mr. Craig: Yes, sir.

Mr. Callaway: Have you an agent at Monteith?

Mr. Craig: No, sir. The town is not incorporated. It is not shown in the United States Census and has no population at all.

Mr. Callaway: I will ask you if you will describe that particular locality, the topographical, agricultural, and other conditions, from Monteith down to Savannah, and state whether or not it is thickly populated?

Mr. Craig: The distance from Ridgeland to the Savannah River is in Beaufort County that has shown a decrease in the last ten years of five thousand in population. After we cross the river we have Chatham County, and it is well known that the population of Chatham County is in the City of Savannah and there is little rural population.

Mr. Callaway: I would like to know whether there is dry or wet land between here and Monteith.

Mr. Craig: There are swamps for quite a distance, and then we run along a ridge just back of the river.

Mr. Callaway: Mr. Craig, I will get you to state where the station of the Atlantic Coast Line was located at Savannah before it was changed, what the exact mathematical mileage would be between Monteith and the present station, why the mileage was not changed and why it is maintained on the present basis. I would like you to state what you did for Savannah in the changing of the station and in the building of the new station, and what the present conditions are, compared with the conditions before?

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Mr. Craig: Now, when this case was heard —

Examiner Smith: This case?

Mr. Craig: A case similar to this case was heard before—

Mr. Callaway: Just a minute. I will state that that was the case of the Savannah Bureau of Freight and Transportation versus the Charleston and Savannah Railroad Company I. C. C. No. — well, it was decided March 24, 1898.

Examiner Smith: This report of the Interstate Commerce Commission is headed "passenger fares" and the proper title of it is "Savannah Bureau of Freight and Transportation," naming the commissioners, "versus the Charleston and Savannah Railway Company and others," decided March 24, 1898. The docket number of the case is not given, but the report and order of the Commission were prepared by Knapp, Chairman.

Mr. Callaway: I would like to know whether the Charleston and Savannah Railway Company, one of the defendants in that hearing, was a component part of the Plant system?

Mr. Craig: Yes, sir.

Mr. Callaway: And it is now a part of the Atlantic Coast Line Railroad Company?

Mr. Craig: Yes, sir.

Mr. Callaway: Proceed with your explanation of that situation.

Mr. Craig: At that hearing, at the time the case was presented, and to May, 1902, the tracks from the north went completely around the city and came in on the southeastern side of the city away down probably two miles from here.

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Mr. Callaway: Two miles from this building?

Mr. Craig: No, probably two miles from the present Union Station. That was an old station, a wooden structure, and since that time the company, in connection with the Southern Railway and the Seaboard Air Line, constructed a new modern terminal station that our trains now go into, at a cost of about \$742,000. In the location of this new station we had in view its convenience to the business section, its convenience to the wharves, its convenience to the other transportation interests here, its convenience to the steamship lines, and its convenience to the Central of Georgia. In other words, it was put at a location that has served the best interests of the Savannah patrons.

Examiner Smith: Is the old station still maintained at all?

Mr. Craig: Only as to freight. It is alongside of our freight station.

Mr. Callaway: There is only one passenger station in Savannah for the Atlantic Coast Line Railroad Company, that is the Union Station, and with relation to this federal building, the new station is about a mile to the east, is it not?

Mr. Craig: Yes, sir.

Mr. Callaway: And the old station was about a mile toward the —

Mr. Craig: More than a mile in that direction (indicating).

Examiner Smith: What direction is that?

Mr. Craig: If I have my geography correct, I think it is southeasterly direction.

Mr. Callaway: For the convenience of the city and the development of its traffic, and your own traffic, you built this large new Union Station. Is that it?

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EXPERT COURT REPORTER

Mr. Craig: Yes, sir, that is it.

Mr. Callaway: And in so doing, when it comes down to the engineer's mileage, you have cut out, in getting down from Monteith or Charleston, how many miles of actual running around, as compared with the old station?

Mr. Craig: We have cut out approximately four miles, 4.1 miles.

Mr. Callaway: I will ask you to state whether or not in going out of Savannah you have increased the fare to the south?

Mr. Craig: No, sir.

Mr. Callaway: The people of Savannah traveling to the south, go through what kind of a country, I mean as to development?

Mr. Craig: It is more developed. A larger population is served south within fifty or a hundred miles than to the north.

Mr. Callaway: And a passenger, leaving at this more convenient station for the south, pays no more fare for this four miles additional?

Mr. Craig: No, sir; but please do not understand me to say that the new line has been lengthened four miles south. It has been lengthened some. We consider that it is a Savannah delivery, that we have given a much better location, that it did not affect their business and should not affect our rates, in view of the increased facilities which was given to the Savannah traffic. Depots are frequently changed throughout the country, but there is no change in the rates. For instance, the West Broad Street station, in Philadelphia, where there has been a change —

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Mr. Callaway: There has been a change of more than a mile in Philadelphia, has there not?

Mr. Craig: A mile and one-third in each direction. The same is true with Washington. I can cite the case of the Western Maryland, where they have two or three stations, and the rates are the same to each station. The same is true with the L. & N. in Louisville; their Baxter Avenue station is about four and a half miles from their Union Station and the same rates apply from both stations.

Mr. Callaway: How did it happen, Mr. Craig, that the basis for the 14 miles upon which you made your charge into Savannah from Monteith, was reduced to ten and a fraction miles?

Mr. Craig: The case was taken to the Railroad Commission of Georgia by Mr. Lipman, and the State Railroad Commission made our road fix a rate of twenty-five cents between Savannah and Monteith.

Mr. Callaway: Do you know whether or not it was the position there that you had a uniform mileage rate fixed by the Railroad Commission of the State of Georgia through Georgia?

Mr. Craig: Yes, sir.

Examiner Smith: Mr. Craig, is this a fair deduction from your testimony? I understand that you testify that, although the mileage of your line from the South Carolina-Georgia line, and from Monteith particularly, has been reduced from what it was formerly by approximately four miles —

Mr. Craig: Yes, sir.

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Examiner Smith : That so far as you are aware, the Atlantic Coast Line Railroad Company has voluntarily changed none of the mileage, certainly none of the interstate mileage, either inbound or outbound, and that the fares into and out of Savannah have not been increased or decreased to correspond with the exact mathematical changes in the location of the stations.

Mr. Craig : That is true, and it is not true, sir. I would like to state, Mr. Examiner, that at the time that case was heard, the fare between Savannah and Monteith was \$1.40. The present fare is \$1.00.

Examiner Smith : I am afraid that I stated my proposition a little carelessly. I did not mean that the fare had not been increased or decreased at all, but I meant to state that the fares have not been increased or decreased by reason of the change in the distance. I do not ask you if there was any lowering or raising in the rate, but I do ask if there has been any increase or decrease by reason of the change in the distances, and if so, if they were voluntarily made?

Mr. Craig : I do not know of any.

Examiner Smith : With the exception of the reduction made from Monteith, which was made under the order of the Railroad Commission of the State of Georgia, the Atlantic Coast Line Railroad Company has not put in any changed rates interstate or intra-state, by reason of the change in that station. In other words, it made no changes voluntarily, and the change that was made to Monteith was due to the order of the Georgia Railroad Commission. Is that it?

Mr. Craig : That is true, and it is not true. I am going to try to make myself clear because I want to make this case just as clear as possible. There has been no change by reason of the change in the distance. There was a reduction made in our rates brought about by the adjustment of the Railroad Commission of the State of Georgia throughout the entire territory and that forced our rates down.

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Examiner Smith: But that has nothing to do with this.

Mr. Craig: No, sir, but I wanted to make it clear.

Mr. Callaway: Now, Mr. Craig, at the time of the case of the Savannah Bureau of Freight and Transportation against the Charleston and Savannah, will you please state what the fare was from Charleston to Ridgeland and Savannah, and the changes since that time, the interstate rates?

Mr. Craig: The tariffs were as follows: 1898, Savannah to Charleston, \$4.40; 1900, \$3.45; 1913, \$2.90. Savannah to Ridgeland, 1898, \$1.49; 1900, \$1.15; 1913, \$1.00. That is about 33½ per cent. reduction in that time.

Mr. Callaway: Has there been any change in the development of the country, in the freight tonnage and in the passenger travel, or in the lessened expense of operation since 1898 that would justify less rates from Ridgeland to Savannah now than in 1898?

Mr. Craig: Since the former Interstate Commerce Commission decision has been rendered, the rice culture, which was then a very profitable industry in this particular section, has been practically wiped out. In the last ten years there has been a reduction in the acres planted of 58,160. That is a decrease of 75 per cent., and in value it means a reduction of \$846,528. The mining of phosphate rock, which was a

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very profitable industry along this section for a number of years, has given way to the Florida and Tennessee rock. Thus the two largest industries that were in full blast twenty years ago have passed entirely out, depriving a large number of laborers of lucrative wages, and forced the people to other sections. I will state that 69.2 per cent. of the entire area of South Carolina is devoted to farms. In Beaufort County only 32 per cent. of the area is devoted to farms. Charleston, which is a very productive county, so far as cotton is concerned, has 45 per cent. and Colleton has 55 per cent. Taking all of the counties into consideration this section averages but 42 per cent. of its area in farms as against 69 per cent. for the state. It is a section that has not developed, and we are spending our money trying to develop it. It is almost impossible to do anything with it until we get drainage, on account of the healthfulness of the country.

Mr. Callaway: Do you mean to say that it is unhealthy?

Mr. Craig: Yes, sir, because of malaria.

Mr. Callaway: Your rates in 1896, under the State Railroad Commission, were four cents a mile, were they?

Mr. Craig: Yes, sir.

Mr. Callaway: What are they now?

Mr. Craig: Two and a half cents.

Mr. Callaway: Now, Mr. Craig, will you please explain briefly the mileage book system, when the rate was made, and state whether or not if the cash fares were paid, as apparently

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they were, there has been time for the rules and regulations to permeate the road; in other words, if this was not an exception, and if it was done, it was because the conductor did not understand the rules and regulations.

Mr. Craig: This question of South Carolina mileage has just been before the Interstate Commerce Commission, and they rendered a decision which is familiar to you. In view of the state law of South Carolina, we were compelled to withdraw that book from use locally in South Carolina. The Georgia Commission recently promulgated an order and put into effect practically the same regulations which are in effect in South Carolina which forces the carriers, from our point of view, to withdraw the interchangeable mileage books from Georgia. Now, Mr. Lipman knew that the local fare from Ridgeland to Savannah was one dollar. He paid sixty-five cents to Monteith in an endeavor to get the tariff rate. The conductor was at fault and it was against his tariff instructions to accept that interstate passenger from Monteith to Savannah without collecting an excess of fifteen cents that is allowed by the Georgia Commission, which would make the fare forty cents from Monteith into Savannah.

Examiner Smith: The twenty-five cents which is allowed—

Mr. Craig: Yes, sir, and fifteen cents.

Mr. Beckett: I thought you said that there was no ticket agent at Monteith.

Mr. Craig: That is right.

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Mr. Beckett: Is it possible for you to collect that excess fare where there is no ticket agent?

Mr. Craig: Yes, sir, on an interstate passenger. The courts have held that he is not a Monteith passenger.

Examiner Smith: There is no question about that.

Mr. Beckett: I was just trying to find out.

Examiner Smith: As a matter of fact, the witnesses here to-day are open to prosecution. I do not think there will be any prosecution because it was done to test this case.

Mr. Craig: Mr. Lipman should have paid sixty-five cents to Monteith and also twenty-five cents plus fifteen cents, and that would have protected the integrity of our through rate.

Examiner Smith: And that would be \$1.05 which is five cents higher than the other.

Mr. Craig: Yes, sir.

Examiner Smith: And that would have been correct according to the tariff.

Mr. Craig: Yes, sir. Mr. Hudson traveled on a mileage book and they are good for interstate journeys. When he got to Ridgeland, the conductor should have collected forty cents from him.

Examiner Smith: What is the I. C. C. reference with regard to those tariffs?

Mr. Craig: I. C. C. No. 1165, page 1.

Mr. Callaway: Now, Mr. Craig, suppose the rates were built on the basis asked for, what effect would it have upon the Atlantic Coast Line Railroad Company in the grading and in the scaling of its rates, and what effect would it have on the reduction of its revenues?

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Mr. Craig: It would mean a readjustment of our entire tariffs from points north and south of Savannah; it would mean the reduction of every rate we have from points south of Savannah and practically every rate north of Savannah. It would mean approximately one hundred and fifty to two hundred thousand dollars reduction in the revenues of the Atlantic Coast Line Railroad Company.

Mr. Callaway: Per year?

Mr. Craig: Per annum.

Examiner Smith: Mr. Craig, have you any idea of the cost of the republication of the tariffs involved?

Mr. Craig: That would be a very expensive proposition outside of the loss of the revenue, but the loss of the revenue would be the controlling factor.

Mr. Callaway: And the continuing factor?

Mr. Craig: And the continuing factor, yes, sir. It would involve all our rates, all our through traffic between the north and south.

Examiner Smith: Is it possible for you to give me an approximation of the cost of republication?

Mr. E. R. Clark (Assistant to Mr. Craig): It would be five or six thousand dollars for printing, without taking into consideration the clerical work.

Mr. Callaway: What do you think it would cost aside from the printing, Mr. Clark?

Mr. Clark: I think it would be at least ten thousand dollars, the printing and clerical work.

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Mr. Callaway: Is there anything further you desire to state?

Mr. Craig: I would like to state that that road has been practically rebuilt and laid with eighty-five pound steel rails, ballasted with gravel, the bridges have been reconstructed, and they are getting a fine service, and it is at the expense of the through travel—the through business—and during all that time the rates have been reducing.

Mr. Callaway: Just another question. It was stated that the Southern Railway in some reports to the South Carolina Commission stated the distance between Hardyville and Savannah. Please refer to the Interstate Commerce Commission tariff and state what they show.

Mr. Craig: I refer to I. C. C. No. 2965, of the Southern Railway, page 30, showing the distance 25.1 Hardyville to Savannah.

Mr. Callaway: Is there anything further you desire to say?

Mr. Craig: I do not think so.

CROSS EXAMINATION

Mr. Beckett: The distance between Charleston and Savannah was 115 miles when the Gulf Line was first built.

Mr. Craig: Yes, sir.

Mr. Beckett: And that included a loop of three or four miles around the city of Savannah?

Mr. Craig: Yes, sir.

Mr. Beckett: And that was to accommodate the railroad with its terminal facilities on the wharf, wasn't it, in connection with shipping—

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Mr. Craig: No, sir. That was the Bolton Street depot.

Mr. Beckett: That was called the Bolton Street depot, was it, or the Liberty Street depot?

Mr. Craig: I mean the Liberty Street depot.

Mr. Callaway: Bolton and Liberty Streets intersect at that place, don't they?

Mr. Craig: Yes, sir.

Mr. Beckett: Does this map represent that old line (indicating) ?

Mr. Craig: Yes, sir.

Mr. Beckett: And it was in order to accommodate shipping at that time, that had no wharfage facilities above the Central—

Mr. Craig: We have not now.

Mr. Beckett: The Central wharf was the first railroad wharf ever built in Georgia, wasn't it?

Mr. Craig: I think so.

Mr. Beckett: That railroad was constructed by General Gordon and was the first railroad in Georgia. Isn't that true?

Mr. Craig: No, not the first railroad in Georgia, but it was one of the first.

Mr. Beckett: Well, it was the only railroad that had terminals here near the Gulf Railroad, wasn't it?

Mr. Craig: Yes, sir; that is right.

Mr. Beckett: That was why I asked you if it wasn't in order to give wharfage facilities with the old Gulf Line that your road went around the city to the river.

Mr. Craig: I could not tell you that. I was not connected with the road then, and you remember that they had a line

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out here (indicating on the map), and out south in that direction (indicating on the map) towards Jackson Avenue.

Examiner Smith: Now the point of the junction to which the witness refers is marked on this map between "Jackson" and "Savannah Lumber Company."

Mr. Callaway: This triangle here is the junction (indicating on the map).

Examiner Smith: There is a triangle to the left and lower portion of the map to which reference is made.

Mr. Beckett: Now, Mr. Craig, I will ask you if when that Union Station was adopted as a passenger terminal by the Atlantic Coast Line Railroad Company, that not only shortened the distance to be traveled going north from Savannah, but also the distance to be traveled going south, didn't it?

Mr. Craig: No, sir.

Mr. Beckett: Do you mean to say then that this map is not correct?

Mr. Craig: According to our engineer's statement it lengthened the distance going south.

Mr. Beckett: Then the distance from this point on this map, (indicating) at the right hand side of Champion and Evans, which is the southern point of the triangle referred to above, the distance from this point (indicating) to the old passenger depot here (indicating) is shorter than the distance from this point (indicating) to the new passenger depot at the Union Station here (indicating).

Mr. Craig: I assume it is because our distances have been increased going south.

Mr. Beckett: What is the amount of that increase, Mr. Craig?

Mr. Craig: It varies a mile or more; it is about a mile. You understand that it is not necessary, in view of this being a blind depot, for the trains to perform additional mileage. In other words, we back in here (indicating on the map).

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Mr. Beckett: You back in here (indicating) ?

Mr. Craig: For instance, we perform a service of backing around a "Y" and coming into the station, and that increases this distance of two and three-quarter miles to another fraction of a mile.

Mr. Beckett: That is probably what accounts for the extra distance traveled.

Mr. Craig: Probably so. I don't know.

Mr. Beckett: I understood you to say, Mr. Craig, that one of the causes that should justify the railroad in the increase of ten cents over the sum total of the local fares is the existence of the eight rivers and the bridges between Savannah and Charleston.

Mr. Craig: That is a factor.

Mr. Beckett: Now, isn't it a fact that those rivers all lie between Monteith and Charleston?

Mr. Craig: Yes, sir.

Mr. Beckett: And there are no rivers between Monteith and Savannah?

Mr. Craig: No, sir.

Mr. Beckett: Now, I will ask you to state whether or not the fare from Charleston up to any point on the road, up to and including Monteith, is based upon actual mileage.

Mr. Craig: I do not know. Will you please look that up, Mr. Clark? (Mr. Clark refers to papers.) Yes, sir.

Mr. Beckett: And the fare from Monteith to Savannah is based upon actual mileage, is it not?

Mr. Craig: Yes, sir; that was fixed by the Georgia Commission.

Mr. Beckett: Now, Mr. Craig, I would like to know whether or not you have any explanation why the ten cents is justified in traveling from Charleston to Savannah, and is not justified in traveling from Charleston to Monteith?

Mr. Craig: You understand, of course, that the interstate rates, that we do not make all of the rates on a mileage basis, but in view of the conditions surrounding them they are fixed

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at what is deemed to be fair, and they are fixed in accordance with the law.

Mr. Beckett: Now, Mr. Craig, I will ask you to state what the condition is that applies between Ridgeland and Savannah, which is not equally applicable between Ridgeland and Monteith?

Mr. Craig: You understand that you are dealing with a question of distances, and we do not think our rates should be constructed always on distances.

Mr. Beckett: Then, Mr. Craig, I will ask you if you know what the rates are constructed upon?

Mr. Craig: Well, they are fixed on what would be a proper return for the service performed. That is my best judgment.

Mr. Beckett: In your judgment you are entitled to that extra ten cents upon the existence of the various bridges and the unsettled condition of the country. Now, Mr. Craig, what it is that I would like to know, why you tax Monteith, for it is apparent that you have, with that extra ten cents, instead of the country that has the cost of those bridges?

Mr. Craig: The original tariffs were constructed on the delivery in Savannah. We have changed the delivery in Savannah, but we have not felt that the conditions warranted a change in the rates. There is absolutely no tariff between Charleston and Monteith. Monteith is just a cross-road without a station or anything but a post-office, and it is only taken here as a basis for fixing our tariff rates governing practically our entire business.

Mr. Beckett: Now, Mr. Craig, I will take the trouble to ask the question over again. I would like you to state, what the conditions are which justify the railroad in charging this extra fare between Monteith and Savannah, and which do not apply when you travel north from Monteith.

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Mr. Craig: I think I have answered that, because there is no traffic to Monteith and Monteith was not considered as a point from which or to which there would be any traffic, to it or from it, and in view of the fact that the Georgia Commission changed the rates there was no such condition as you have stated.

Mr. Beckett: If there is no question of discrimination here, would you change the rate to ten cents—

Mr. Craig: I certainly would.

Mr. Beckett: The evidence that you do not do so is the evidence that I am after.

Examiner Smith: I will see whether it is possible for me to make that plain to both the complainant and defendant. A great many cases similar to this are heard by the Interstate Commerce Commission and submitted to it informally and are brought to our attention from time to time. I understand Mr. Craig to testify that crossing the Savannah River and the marshes and swamps on either side they have erected a bridge that cost something like \$475,000, if that is approximately correct. Let us assume that from Charleston to a station at the South Carolina end, the east end of that bridge, the rates are made strictly on mileage; let us assume that at Monteith, the first station in Georgia west or south of the Savannah River, and from there into Savannah, the rates were based strictly on mileage; then let us have a rate between this station in South Carolina at the east end of the bridge over the Savannah River, let us have a rate between that station and the first station in Georgia that would be compensatory to the carrier for the bridge toll and the mileage and everything else, and the ten cents would easily be accounted for.

Mr. Beckett: Oh, undoubtedly.

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Examiner Smith: Your proposition goes to this extent, as I see it. You ask Mr. Craig if the rate from Charleston to Monteith was built strictly on mileage, disregarding for the purpose of simplicity the station at the north end of the bridge. If you build your rate strictly on mileage from Charleston to Monteith, why, when there is no bridge south of Monteith to Savannah, why should you put on the extra ten cents from Monteith to Savannah? Is that your question?

Mr. Beckett: Yes, sir.

Examiner Smith: Is it material in a continuous trip from Charleston to Savannah, or Hardyville; is it material where that goes on, if it is justified?

Mr. Beckett: It is the idea that there is no bridge tax to charge where the bridge is between Charleston and Monteith, and when the ten cents extra is charged, it is easily accounted for by the actual mileage, if it exists; but the railroad never intended to charge for that bridge. The distance has been decreased and the charge should be decreased accordingly.

Examiner Smith: Now, Mr. Craig, you understand the complainant's question as put. Please answer it as best you can?

Mr. Craig: It becomes necessary for us to make an explanation of it, and I hope I can make my answer meet the case. We felt that the rates in themselves were proper and legal when the Georgia Commission fixed them.

Examiner Smith: Then, as I understand it, this difference of ten cents is not the result of your voluntary action at all?

Mr. Craig: No, sir.

Mr. Beckett: In 1898 you say that the fare between Charleston and Savannah was \$4.40?

Mr. Craig: Yes, sir.

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Mr. Beckett: That was a combination of the four cent rate existing in South Carolina and the three cent rate existing in Georgia, wasn't it?

Mr. Craig: I could not tell you.

Mr. Beckett: I will ask you if you will be kind enough to figure it for me and see if that does not correspond with it.

Mr. Callaway: I think that was the objection made in the other case, that it was not.

Examiner Smith: To save time and figuring, let us assume that that is the case.

Mr. Beckett: Assuming that that is true, that the rate was four cents in South Carolina and it was three cents in Georgia, wouldn't that figure out exactly according to a mileage rate between Charleston and Savannah?

Mr. Craig: It would make it \$4.43.

Mr. Beckett: I will ask you to indicate those figures upon which you base that?

Mr. Craig: Figuring on 115 miles less 17 from here to the river.

Mr. Beckett: Isn't it 18.7 miles from here to the river?

Mr. Craig: I always understood it to be about 17 miles. I don't know what it is.

Mr. Beckett: Based upon the exact rate as it is given in this letter from the General Superintendent to the Railway Commission of Georgia, do you figure it is \$4.41?

Mr. Craig: I should say that that is approximately correct.

Mr. Beckett: Now, Mr. Craig, I would like you to state whether the rate in 1900—it was three cents in Georgia and South Carolina, wasn't it?

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EXPERT COURT REPORTER

Mr. Craig: I think it was three and a quarter cents.

Mr. Beckett: The fare between Charleston and Savannah was \$3.45.

Mr. Craig: Yes, sir.

Mr. Beckett: And it would make it how much——

Examiner Smith: That would be three cents a mile.

Mr. Craig: I was under the impression it was three and a quarter cents.

Mr. Beckett: In 1913 the fare is \$2.90 and is based on a distance of 115 miles.

Mr. Craig: That may be true, slightly over it, two and a half cents over it.

Mr. Beckett: Does that look as though it were a mileage rate?

Mr. Craig: No, sir. It is approximately the distance of 115 miles and it is an approximate tariff.

Mr. Beckett: Are you prepared to state now, Mr. Craig, that that was not intended to be a mileage rate?

Mr. Craig: No, sir; I am not prepared to state that.

Mr. Beckett: You testified that this reduction of ten cents would affect the revenue of your road one hundred and fifty or two hundred thousand dollars a year.

Mr. Craig: Yes, sir; it would.

Mr. Beckett: Now, if that is right, what would a reduction of ninety-five cents amount to in the course of a year?

Mr. Craig: I do not know. Of course, it would be many times larger.

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EXPERT COURT REPORTER

Mr. Beckett: It would be nine and a half times larger, wouldn't it? That would be \$1,900,000 a year, wouldn't it?

Mr. Craig: Yes, sir.

Mr. Beckett: And what would a reduction of fifty-five cents on each passenger amount to?

Mr. Craig: You can figure that.

Mr. Beckett: I have \$1,100,000. Is that it?

Mr. Craig: Yes, sir.

Mr. Beckett: The rate in 1898 was \$4.40 and the rate in 1900 was \$3.45, and that was a reduction of ninety-five cents.

Mr. Craig: Yes, sir.

Mr. Beckett: And the rate of \$2.90, that is another reduction of fifty-five cents?

Mr. Craig: Yes, sir.

Mr. Beckett: So the total of these reductions represents the loss to the railroad by those reductions?

Mr. Craig: Yes, sir.

Examiner Smith: Did you say "yes, sir"?

Mr. Craig: I am just leading him on.

Mr. Beckett: On the basis of ten cents a passenger, amounting to \$200,000 a year, these total reductions, which have been made would make an aggregate of \$3,000,000 a year.

Mr. Craig: You are getting up into fabulous figures now.

Mr. Beckett: I just want to show how ridiculous your statement is. I would like to know whether you know how many passengers are hauled over that line per annum?

Examiner Smith: There is a report to the Interstate Commerce Commission giving the exact number. Here is the answer to the general proposition.

Mr. Beckett: I know the answer outside of my line of reasoning. I want to show how ridiculous the statement is of that ten cents amounting to \$200,000 a year. That would

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involve two million passengers a year.

Examiner Smith: Go ahead with your testimony.

Mr. Beckett: Now, Mr. Craig, I may assume from the figures you gave there must be forty-five hundred to fifty-eight hundred passengers a day, traveling from the points north of Monteith to Savannah and points south of Savannah.

Mr. Craig: Then I was mistaken.

Mr. Beckett: What is the traffic per diem over that part of the road averaging for the year?

Mr. Craig: I would say that the through traffic we run now, it will be about five hundred people a day southward, and northward I should say about three hundred people a day.

Mr. Beckett: And in the summer the traffic goes down and in the winter it goes up.

Mr. Craig: Yes, sir.

Mr. Beckett: Eight hundred would be a fair average for the year.

Mr. Craig: Of through travel, yes.

Mr. Beckett: It would be eighty dollars a day, and three hundred and sixty-five times that would represent the year's loss.

Mr. Craig: Yes; on the through traffic.

Mr. Callaway: Twenty-nine thousand dollars is a right good lump of money.

Mr. Craig: It would mean considerably over twenty-nine thousand dollars.

Examiner Smith: Gentlemen, is there anything further in this case?

Mr. Beckett: I would like to offer in evidence that map.

Examiner Smith: That will be marked Lipman Exhibit D.

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EXPERT COURT REPORTER

The map so offered and identified was received in evidence and thereupon marked "Lipman Exhibit No. D. received in evidence January 13, 1914," and is attached hereto.

Examiner Smith: Do you desire to argue this case before the Commission?

Mr. Beckett: It will depend upon my client. If he wishes me to go to Washington and argue it, I shall do so. I will reserve the right to argue it before the Commission.

Examiner Smith: You can waive that right at any time.

Mr. Beckett: Yes, sir.

Examiner Smith: Will you desire to file a brief?

Mr. Beckett: I would like to do so.

Examiner Smith: The complainant's opening brief must be submitted by February 25th.

Mr. Callaway: Give me thirty days after that.

Mr. Beckett: I have no objection. He may have it for all I care.

Examiner Smith: At the request of complainant's counsel then, defendant's brief will be due on March 20, and the reply brief of complainant will be due on April 10.

Whereupon at eleven o'clock and eight minutes in the forenoon of January 13, 1914, the said hearing was closed.

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DEPOSITION WORK

One of the most profitable branches of a general court reporting business is that of deposition reporting. The evidence of a resident of your city may be required in a case in another state, and a commission is issued by the presiding judge of the trial court giving authority to a Notary Public or other authorized officer to take the evidence and forward it to the clerk of the court for use when the case comes on for trial; or, because of illness or other cause, it may be impossible for a witness to appear in a local court, and his testimony may be taken at his home or in an office and will be read when the trial takes place.

In order to be in a position to make the most of this work, the stenographer should become a Notary Public. The method of securing an appointment as such, is different in the various states. In Illinois, a petition signed by the applicant and fifty voters is filed with the Secretary of State, and a bond must accompany the application. In New York, the application must be signed by the applicant and two reputable attorneys and is then forwarded to the Secretary of State. The appointment is made by the Senate and approved by the Governor. Each state has its own regulations and you can ascertain the method of securing an appointment as a Notary by consulting the statutes in the state in which you live.

In order to secure such work, one should adopt the same business methods as obtain in any other line. Those methods, of course, are many and varied. For instance, when I was in business in Chicago, I addressed a letter to all the attorneys in the United

EXPERT COURT REPORTER

States whose names appeared in the legal directories, soliciting their work in Chicago, and enclosed with the letter a printed form for a commission to take depositions, with my name appearing as the Notary Public. The results were very satisfactory, and in this way I built up a nice business in this line.

For the purpose of illustrating this work, I give the shorthand notes and transcription of a deposition reported by me in Montana, first giving the phrase list on the same plan as has been shown in the Interstate Commerce Commission hearing. The practise suggestions are fully given and should be followed implicitly, if you are to receive the full benefit from this work.

The form of transcribing the first page of the deposition must be supplied by the reporter. Enough data must be shown in the note book upon which to base the form.

For instance, in this case the title and venue of the case is shown. The title is "Robert W. Bride, Complainant, vs. Charles L. Keeley, Defendant." The venue is "In the District Court of the Tenth Judicial District of the State of Montana in and for the County of Meagher." Then, the date must be shown, and the hour of the taking of the deposition. If the deposition is taken before a Notary Public other than the stenographer, that fact must appear. In this case the deposition was taken before me.

The introduction should show that the witness is of lawful age, in whose behalf his testimony will be used, whether the deposition is taken pursuant to a commission issued by a competent Court, or pursuant to stipulation. In this case the deposition was taken pursuant to a stipulation entered into between the attorneys of the various parties. This stipulation must be attached

EXPERT COURT REPORTER

to the deposition, and were the deposition taken pursuant to a commission that fact must be shown and the commission attached.

I do not begin the testimony on the first page, reserving that for the title and venue and the data above outlined. If, during the proceedings, I adopt a temporary expedient to represent a frequently recurring phrase, I turn back to the first page and make a note of it.

After the deposition is transcribed, in many cases it must be submitted to the witness and signed by him and sworn to before the Notary Public who took the deposition. The signature of the witness, however, is frequently waived, as was done in this particular instance.

At the conclusion of the deposition the Notary must certify to its correctness, the form of the certificate varying in the various states. Usually the commission itself gives the form demanded by the statutes of the state in which the case is pending. If not, the stenographer must ascertain the form of the certificate, and to do so he should consult the statutes of the state in which the court is located which issues the commission.

I give a certificate which I used in Montana, and which covers about every feature necessary in the various states. First, I show that I am a Notary Public duly qualified by a commission issued by the Secretary of State; that my commission is in force I give the date of its expiration; that I am not related to any of the parties or the attorneys appearing on behalf of any of the parties; that the witness was duly sworn by me to tell the truth, the whole truth and nothing but the truth; that the witness was of lawful age; that the questions were propounded to him orally by the attorneys for the parties, as shown in the deposi-

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tion, and his answers were given by him orally; that the questions and answers so propounded were taken by me in shorthand and afterwards transcribed, and that the deposition contains a true transcript of the shorthand notes of the questions and answers and the entire proceedings had before me; that during the proceedings it was stipulated by and between the parties, through their respective attorneys, that the signature of the witness should be waived and it was so waived.

Of course, copies of the deposition may be made for the various parties, but the original deposition must not be delivered to either of the attorneys. It may be necessary to secure a certificate of the Secretary of State or the proper officer to the effect that on the day of the taking of the deposition the one before whom it was taken was a duly authorized Notary Public, and attach that certificate to the certificate of the Notary.

The deposition is then neatly bound and placed in a large envelope and directed to the Clerk of the Court issuing the commission or before which the case is pending. On the outside of the envelope, aside from the address to the Clerk of the Court, must appear the title and venue of the case, and the words "deposition of Lawrence Bates (or whoever the party may be making the deposition) taken before Robert F. Rose (or the name of the Notary) to be used on the trial of said case." This is then mailed to the Clerk of the Court and personally I always register the letter and ask for a receipt.

This deposition is then filed with the papers in the case and can not be opened by either party without an order of the Court.

The Notary has no authority to rule on the admissibility of questions asked the witness or answers given

EXPERT COURT REPORTER

by him. Every objection must be fully shown in the record. The deposition is read on the trial of the case, and when a question is read to which objection is made, the court determines whether the answer appearing in the deposition should be allowed to go into the record. The stenographer in court must take these depositions as they are read, in order that he may get a record of the rulings of the court as to the admissibility of questions and answers in the deposition.

EXPERT COURT REPORTER

PHRASE LISTS

PAGE 158

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Please-state-your-name, and-your-occupation, and-residence, I-am-in-the, I-have-no, what-do-you, consider-your, at-one-place, and-partly, White-Sulphur-Springs, St.-Paul, I-will-ask-you-if-you-will, please-state-the-circumstances, under-which-you, in-any-way, with-the, Sweet-Grass, and-Meagher, of-the, through-my, I-had, of-it, was-told, had-some, around-there, and-that, in-all-probability, he-could, put-me, to-some, and-I-went, and-I-met, Mr.-Keeley, and-he-mentioned, several-properties, to-me, and-he-wanted-me, to-see-some, of-them, as-near-as-I-can-remember, I-saw-some, and-others, I-did-not, did-you, in-regard, to-the-Gleason, Mr.-Bride.

After concluding the above outlined work, have the matter contained on page 158 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 160

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-never-met, Mr.-Bride, I-will-get-you-to-state-the, you-had, in-regard-to-those, as-near-as-I-can-recall, I-had-my-with-my-father, and-then, Mr.-Keeley, do-you-remember-when, it-was, you-had-your, I-do-not-remember, I-would-like-for-you, to-state, with-reference-to-the-time, that-you, bought-the, about-how-long, prior-to-that, was-it, first-talked, to-the-best-of-my-recollection, it-was, eighteen, nineteen-eight, something-like-that, and-you-had-not, talked-with-him, regarding-

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the, prior-to-that-time, as-well-as-I-can-remember, I-had-not, I-think-that-he, an-option, and-said, something-about-it, did-not, I-will-ask-you-to-state, in-your-own-way, what-the, had-with, you-see, and-I-did-not, a-diary, as-near-as-I-can-remember, in-June, did-he, write-you, about-it, no-sir, do-you-remember-the, you-had-with-him, in-regard-to-this, he-said, he-had, an-option, I-said, it-was-not, because-it-only.

After concluding the above outlined work, have the matter contained on page 160 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 162

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-the, it-must-have, more-than, at-that-time, not-when, I-was, on-the, he-wanted-me, to-go, and-see-the, and-you, that-is-objected, leading-and-suggestive, I-did-not, to-pay, a-commission, on-a, of-that, when-did-you-next, a-conversation, with-him, about-it, about-that-time, and-see-it, and-he, for-the, was-this, in-the-morning, in-the-afternoon, I-do-not-know, I-will-get-you-to-state, where-it-was, I-think-it-was, you-went-out, on-that-day, was-it-the, go-with-him, a-rig, and-sent, when-did-you-come, I-spent, and-came, back-the, what-did-you-think, incompetent-irrelevant-and-immaterial.

After concluding the above outlined work, have the matter contained on page 162 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 164

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

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A-good, to-be-worth, more-than, five-and-a-half, an-acre, that-is-objected, incompetent-irrelevant-and-immaterial, and-for-the, further-reason, that-it-has-no, on-the, set-forth, in-the, in-this, if-it-were, how-many-acres, were-there, in-that, eight-thousand, eight-hundred, twenty-six, when-you-got, what-did-yon, I-saw, did-you-try, to-get, a-buyer, I-object-to-that, leading-and-suggestive, did-you-say, that-you-would-try, I-make-the, I-do-not-think, I-told, anything-like-that, do-you-recall, what-you-did-say, as-near-as-I-can-remember, I-told-him, that-the, was-not, and-that, I-had, a-talk-with, and-Gleason, he-would, give-me, another-option, said-that-he-would, give-you, when-that-one.

After concluding the above outlined work, have the matter contained on page 164 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 166

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-think-so, or-if, I-got-that-one, out-of-the-way, he-would, give-me, another-option, state-whether-or-not, you-had, to-get, this-paper, when-it, yes-sir, I-would-like-to-know-the, of-the, or-the, of-it, when-Gleason, came-there, was-that-the, following-your, as-near-as-I-can-remember, it-was, it-must-have-been-the, in-other-words, three-or-four, you-had-the, about-the, I-would-like-to-know, happened-the, when-he, I-think, some-money, for-the, how-much, I-have, and-I-told-him, I-would, give-him, to-pay, because-it-wasn't, to-me, Mr.-Gleason, I-will-ask-you-to-state-whether-or-not, St.-Paul, he-was-not, a-buyer, in-no-sense, he-was, a-promoter.

After concluding the above outlined work, have the matter contained on page 166 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

EXPERT COURT REPORTER

PAGE 168

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Why-did-you, show-him, I-wanted, to-have-him, see-it, if-he-was, to-sell, in-the, are-you-sure, came-there, after-you, yes-sir, he-was, with-us, I-would-like-for-you, to-give-me-the, you-had, for-the, as-near-as-I-can-say, a-large, an-unreasonable, about-how-much, did-he, I-do-not-remember, how-much, twenty-five-or-fifty, an-acre, state-whether-or-not, you-argued, that-with-him, I-did-not, I-told-him, I-would-not-pay-it, because-it-was, to-buy, paying-a, and-this, this-discussion, as-to-whether, he-would, to-you, a-commission, I-do-not-know-whether-or-not, it-was, an-hour, to-refresh-your-recollection, didn't-he, to-insist, I-would-give-him, I-will-ask-if-he, did-not-say, to-get, if-the, no-sir, after-the, and-Mr.-Gleason, an-option, with-me, at-a-later, I-will-ask-if-you-did-not-say, at-that-time, that-you-would, what-was, I-did-not.

After concluding the above outlined work, have the matter contained on page 168 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 170

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

What-did-you-say, if-you-come, on-this, all-right, and-make-some, you-will-remember, won't-you, something-like-that, and-you, no-sir, I-did-not-bind, at-all, I-said, a-laughing, that-we-would, after-him, of-that, isn't-it-a-fact, that-you-told-me, that-the, like-this, to-you, if-this, you-say-this, what-do-you, out-of-this, and-didn't-he-say, I-do-not-think-so, anything-like-that, I-said, in-Butte, I-have-said, to-my-best-recollection, you-mentioned-the, over-there, I-could-not, Mr.-

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Winston, for-the-reason, I-am-not-absolutely, I-did-say, I-was-not, at-that-time, I-told-you, as-it-does-not, to-me, I-will-ask-you, dining-room, you-used-the, what-is, I-said-that, or-not, I-did-say-anything, it-was, I-saw, to-give-him, I-did-not-have, I-never.

After concluding the above outlined work, have the matter contained on page 170 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 172

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-was-bound, to-give-him, are-you-willing-to-swear, that-you, did-not-say, to-me, when-you-asked-him, what-do-you, to-get, of-it, that-is-objected, incompetent-irrelevant-and-immaterial, I-will-refer, to-the, to-make-it, let-me, in-my, and-further, has-no-bearing, of-the, set-forth, in-the, in-this-case, it-was, a-matter, fifteen-or-sixteen, days-ago, it-makes, I-remember-the-time, would-you-be-willing-to-swear, that-you-did-not-say, I-said, a-whole, to-you, Mr.-Winston, a-witness, to-give-you-the, and-unbiased, you-did-not-understand, if-you, got-the-impression. I-said, I-would-take-care-of-him, something-like-that, I-had, I-would-be-able-to, swing-the, that-Nelson.

After concluding the above outlined work, have the matter contained on page 172 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 174

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

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And-our, would-be-able-to, because-such, a-transaction, a-whole, of-money, you-will-testify, that-you, to-him, you-would, take-care-of-him, if-the, that-is-objected, I-said, I-would, remember-him, I-laughed, at-the-time, I-did-not-take-it, at-all, I-did-not-feel, I-was-under, any-obligations, as-near-as-I-can-recollect, idea-was, to-keep, on-the, side-of, and-because, and-then, I-thought, I-could-trust, and-he, put-me, on-to, and-I-wanted, to-be, with-him, I-would-like-to-know-whether-or-not, you-know-his, in-the-community, in-which-he, for-truth, and-veracity, that-is-objected, incompetent-irrelevant-and-immaterial, and-not-touching, set-forth, in-this, and-not, do-you-know-it, and-also, upon-the, that-the, for-the-reception, of-such, has-not-been, that-has-no, upon-this, I-ask-you-to-state-whether-or-not, you-know, what-his, reputation-is, for-truth-and-veracity.

After concluding the above outlined work, have the matter contained on page 174 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 176

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-object-to-that, on-the, same-grounds, do-you-mean, at-that-time, I-mean-now, please-note-the, I-know, Mr. -Keeley, and-I, a-great-deal, of-what, answer-the-question, state-whether-or-not, you-know, what-his, reputation-is, I-do-not, what-you, about-it, do-you-know-whether-his, for-truth-and-veracity, in-the-community, in-which-he, do-you-know, what-it-is, no-sir, I-do-not, I-never, I-only-know, you-have, I-have, and-bad, I-did, in-a-way, I-did-not, and-it, bother-me, in-all, I-had, to-do, isn't-it-a-fact, that-you-know, I-object-to-that, incompetent-irrelevant-and-immaterial, and-as-not, set-forth, and-because-the, for-the-reception, have-not-been, and-because-it, calls-for-

EXPERT COURT REPORTER

a-conclusion-of-the-witness, and-is, leading-and-suggestive, and-he-has, answered-the, that-he, does-not-know.

After concluding the above outlined work, have the matter contained on page 176 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 178

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

Answer-the-question, what-is-the-question, last-question-read, I-don't-know, how-to, answer-that, what-the, Mr. -Keeley, I-have, both-sides, of-it, reputation-is, that-is, as-near-as-I-can-answer-that, about-this, about-the, that-you, prior-to-the-time-that-the, as-to-your, remembering-him, if-the, will-you-state-again, pardon-the, as-near-as-you-can-remember, and-what-the, that-is-objected, being-a, and-also, it-was-something-like-this, we-were, and-made, some-money, out-of-the, we-would, take-care-of-him, something-like-that, prior-to-that-time, sold-you, any-other-option, no-sir, that-was-the, I-ever-had-with-him, are-yon-willing-to-testify, called-your-attention, had-gone, and-the, due-him, after-that, we-had, a-letter, from-him, he-had-seen.

After concluding the above outlined work, have the matter contained on page 178 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 180

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines :

And-he-asked-me, we-were-not, to-remember-him, and-wanted, to-know, if-there-was, to-him, we-had, transferred-

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the, to-the, I-said, I-would-see-my, in-St.-Paul, and-then-he, a-reminder, I-had-not-taken, it-up, how-did-he-know, had-gone, it-was-known, and-it-was, a-matter, of-record, in-the, he-said, since-the, has-gone, aren't-you, to-remember-me, that-is-objected, leading-and-suggestive, and-as, incompetent-irrelevant-and-immaterial, something-like-that, he-was, of-course, to-the-Gleason, and-then-he, had-been, to-me, in-other-things, and-had, put-me, three-or-four, for-sale, but-the, I-did-not-feel, we-were, to-give-him, and-told-him, I-did-not-think, we-would-have, I-would-see-the, and-would-see, I-will-ask-you-if-it-is-not-a-fact, that-he-was, asking-you, about-that.

After concluding the above outlined work, have the matter contained on page 180 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 182

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

In-a-way, he-wanted, to-know, if-we-would, remember-him, if-there-was, to-him, it-was, all-right, and-if-there-was-not, to-know-it, I-will-ask-you-to-state-whether-or-not-he, used-the, has-gone, I-do-not-know-whether-or-not-he, those-words, you-say, this-is, to-the-Gleason, and-entirely, at-that, it-referred, to-that, what-you-meant, what-you-were-talking, he-has-answered-that, he-said-that, several-other, that-is, a-repetition, and-I, to-it, I-do-not-think-it, in-particular, inasmuch-as-he, had-been, to-us, in-other-ways, I-said-that, we-would, he-was, that-is-what-you, that-is-objected, that-it, I-suppose, I-do-not-know, what-he, I-would-not-have, paid-him, I-don't, had-not, and-helped-us, after-we-had-made, if-he, let-me.

After concluding the above outlined work, have the matter contained on page 182 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

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PAGE 184

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

In-view, of-all-those, I-presume, he-was, to-something, on-that-Gleason, and-the-others, of-course, was-before-the, I-was-not, with-the, when-the, I-had, from-the, if-you-had, it-must-have-been, not-necessarily, associated-with-the, on-the, had-not-been, any-business, that-was-taken, in-the-matter, I-had, to-do, with-it, there-was, I-understand-it, upon-which, Mr.-Keeley, an-option, that-he-turned, to-you, sold-the, some-land, an-out, and-out, I-do-not-know-anything-about-that, it-was, to-the-best-of-my-knowledge, a-letter, on-account, that-is-objected, incompetent-irrelevant-and-immaterial, letter-is-the, was-as, St.-Paul, dear-sir, when-you-were, told-me.

After concluding the above outlined work, have the matter contained on page 184 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 186

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

You-would, see-your, in-regard, to-the, on-the, due-me, if-there-isAnything, I-wish, have-them, a-check, if-there-is-not, yours-truly, he-says, do-you-know, he-refers, in-that, letter-is-the, in-itself, and-I, object-to-that, he-referred, to-the-Gleason, of-course, I-would-like-to-know, why-he, used-the, do-you-know-that, I-do-not-know, he-is, to-use, any-kind, of-a, I-suppose-it-was, what-he, due-him, it-was, a-gift, a-present, a-demand, and-it-was-when-you, received-that, that-you-turned, and-said, here-is, a-letter, something-like-that, I-suppose, he-wants, eight-hundred, and-we-will, give-him, five-hundred, and-see, if-that-won't, quiet-him, that-is-objected, incompe-

EXPERT COURT REPORTER

tent-irrelevant-and-immortal, and-as, being-a, out-of-the, Mr.-Keeley, and-as-not-being, set-forth, in-this, and-also-as, a-leading-and-suggestive.

After concluding the above outlined work, have the matter contained on page 186 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 188

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Tell-me, what-did-you-say, to-your, regarding-the, five-hundred, that-is-objected, incompetent-irrelevant-and-immortal, it-is, that-Mr.-Keeley, and-the, was-had, in-his, it-was-not, in-the-first-place, it-was, who-is, a-partner, of-mine, and-is, secretary-treasurer, to-my-best-recollection, I-received-this, and-took-it, to-Mr., here-is, a-letter, I-had, talked-with-him, about-the-matter, and-we, inasmuch-as, with-us, and-had, so-many, for-us, to-do-something, for-him, in-some-sort-of-way, and-Taylor, asked-me, I-thought-was, I-said, I-suppose, six-hundred, that-is, we-do-not-have, to-pay-him, and-we, need-the-money, as-much-as, he-does, and-we-finally, to-send-him, five-hundred, we-did, about-how-long-was-that, after-this, was-received, by-you, I-do-not-know-the, of-the, I-imagine, it-was, within-a-few-days, as-near-as-I-can-recollect, we-received-it, twenty-four, nineteen-nine, have-you, a-copy-of-the, to-him, yes-sir, into-the.

After concluding the above outlined work, have the matter contained on page 188 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 190

The following phrases should be written from dicta-

EXPERT COURT REPORTER

tion at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

That-is-objected, incompetent-irrelevant-and-immaterial, and-as-not-having, any-bearing, of-the-matters, set-forth, in-the, in-this, and-as-not-being-the, and-consequently, not-the, and-as, letter-is, twenty-four, nineteen-nine, dear-sir, your-letter, of-recent-date, to-Mr., has-been, to-us, and-we-enclose, five-hundred, we-trust, will-be-satisfactory, we-hope, we-have-turned, of-our, into-money, to-be-able-to, do-some, in-your-country, which-will-be-of, and-beg, to-remain, yours-truly, I-believe, Mr.-Taylor, I-do-not-think, I-was, with-the, at-that-time, I-am-pretty, of-it, do-you-know, that-check, was-made, as-the, check-is-the, it-was-made, on-the, first-national-bank, that-is-my-recollection, yes-sir, St.-Paul, do-you-know-whether, any-other-checks, between-your, and-Charles.

After concluding the above outlined work, have the matter contained on page 190 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 192

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

You-do-not-know, were-there, any-others, I-know-that-there-were, no-others, that-had, to-do, with-this-matter, and-there-were, no-other-checks, between-you, and-Mr.-Keeley, no-sir, and-no-other, other-than-the, fifty, I-would-like-to-know-whether-there-were, any-other-checks, between-your, and-Charles, five-hundred, and-the, for-the, from-him, to-which-you-referred, a-moment, I-cannot-tell-whether-that-was, by-check, I-had, to-do, with-it, I-have-had-no, with-the, since-that-time, at-the-time, that-you-left-the, prior-to-that-time, there-had-been, one-check, between-them, and-that-was-this, tell-you, at-that-time, that-Mr.-Bride, a-partner, of-his, did-he, to-it, at-all, after-the, was-closed, he-said-something, about-a, claim-

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ing-he, an-interest, in-it, something-like-that, and-closed, and-I-did-not-pay, any-attention, to-him, and-knew, about-it, and-didn't.

After concluding the above outlined work, have the matter contained on page 192 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 194

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

What-is-that, at-this-time, that-is-objected, incompetent-irrelevant-and-immaterial, and-as, calling-for-a-conclusion-of-the-witness, and-for-the, further-reason, that-it-has-no, on-any, of-the, set-forth, in-the, in-this, court-of, Meagher-County, between-Mr.-Bride, and-Mr. Keeley, and-further, that-it-relates, to-a, it-will, property-is, thirteen-or-fourteen, an-acre, sell-for-that, no-sir, if-it-were, I-would, twelve, and-sell, I-were, to-buy-it, ten, you-think-it, could-be, you-cannot, sell-anything, nowadays, and-your-company, Sweet-Grass, yes-sir, when-was-that, nineteen-eight, at-what, was-it, to-the, Sweet-Grass-Land.

After concluding the above outlined work, have the matter contained on page 194 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 196

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Incompetent- irrelevant- and- immaterial, I-think- it- was, seven-and-a-half, an-acre, it-was, less-than-that, we-had-the, organizing-the, and-doing, all-of-the, and-making-the, when-you-say, what-have-you-to-say, as-to-the, exact-price, I-don't-

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know, I-have-not-the, I-do-not-know, what-the, told-me, I-told-you-the, into-the, I-would-like-to-know-whether-or-not, Sweet-Grass-Land, still-in, that-is-objected, to-the-best-of-my-knowledge, it-is, who-was-the, of-that, at-that-time, I-don't-remember, did-you-have, any-conversation, with-any, of-the, regarding-the, of-it, I-would-like-to-know, you-talked-with.

After concluding the above outlined work, have the matter contained on page 196 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 198

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

I-don't-remember, I-probably, a-good-many, of-them, I-talked-with, and-Mr.-Nelson, is-that, a-Montana, I-do-not-know, I-would-like-to-know, if-you-had, to-do, with-the, of-the, have-you, any-other-correspondence, connected-with-the, of-that, with-you, I-don't-know, I-have, at-all, any-books, did-you-transfer, your-option, to-the, in-writing, I-was, a-partner, in-the, and-I, into-them, I-did, all-my, Mr.-Gleason, were-you, a-stockholder, Sweet-Grass-Land, how-much, did-you-have, to-which, we-object, incompetent-irrelevant-and-immaterial, record-is-the, seventeen-hundred.

After concluding the above outlined work, have the matter contained on page 198 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 200

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Your-company, an-acre, on-this, no-sir, how-much, did-you-

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make, incompetent-irrelevant-and-immaterial, in-the, twelve-thousand-six-hundred, how-do-you, each-of-us, seventeen-hundred, we-had, out-of-this, and-probably, did-not, more-than, ten-thousand, at-the, does-the, Sweet-Grass-Land, own-that, I-don't-know, did-the, sell-that, that-is-objected, did-you, sell-your, yes-sir.

After concluding the above outlined work, have the matter contained on page 200 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 202

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

How-much, same-objection, seventeen-hundred, when-did-you, sell-it, you-knew, that-this, didn't-you, eleven-and-a-half, an-acre, I presume, it-had, I-never-saw-the, you-understood-that, that-is, to-the-best-of-my-knowledge, did-you-know, that-was, I-don't-know, do-you-think, it-was.

After concluding the above outlined work, have the matter contained on page 202 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 204

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Same-objection, I-think-it-was, there-was, on-it, and-it, did-not, to-me, a-sale, I-did-not-think, they-would, they-had-the, did-they, I-don't-know, it-was, an-agreement, for-sale, have-you, any-correspondence, with-you, regarding-the, Sweet-Grass-Land, no-sir, cross-examination, five-hundred, that-the, Mr.-Keeley, to-this, for-other-matters, which-he, for-you, in-other, put-you, on-to, and-it-was, for-the-purpose, with-him, yes-sir,

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and-for, what-he, would-do, in-the, I-will-ask-you-to-state-whether-there-was, any-agreement, between-yourself, and-Mr.-Keeley, at-that-time, to-pay-him, that-he-was, to-anything, other-than-the, fifty, for-that.

After concluding the above outlined work, have the matter contained on page 204 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 206

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

There-was, no-agreement, will-you-tell-whether, anything-was, to-him, further-than, what-you-have, you-had-made-the, Mr.-Keeley, for-the-purpose, getting-the, on-this, at-the-time, that-the, I-would-not-have-taken, I-did-not-have, an-understanding, I-would-not-have, a-moment, because-the, required-the, of-the, and-it-would-have-been, on-that, did-you, and-that-transaction, for-the, Mr.-Gleason, it-was, between-you, and-Gleason, yes-sir, as-this, I-would-like-to-know, how-long-it-was, after-you, when-this, five-hundred, fifteen.

After concluding the above outlined work, have the matter contained on page 206 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 208

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-in-the-meantime, I-will-ask-you-if-he, put-you, on-to, a-great-many, and-the, five-hundred, all-the, and-transactions, you-had-with, including-the, Gleason-transaction, and-it-was-

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not, that-the, should-pay-him, for-the, that-it, should-include, all-the-other-transactions, yes-sir, and-did, Mr.-Keeley, about-that-time, give-your, and-yourself, and-did-he, sell-you, we-object-to-that-as, incompetent-and-irrelevant, and-in-no, to-the, we-bought, some-lots, I-do-not-know, what-the, concerning-the, was-from, my-father, and-where-does, your-father, he-did-not, in-Seattle, at-that-time, that-you, to-Keeley, of-the, and-you-wanted, to-get, rid-of.

After concluding the above outlined work, have the matter contained on page 208 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 210

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-you-wanted, to-take, an-option, at-that-time, in-order-to, save-you, a-trip, that-is-objected, incompetent-irrelevant-and-immaterial, and-you-say, it-was, to-me, and-the, was-made, Mr.-Gleason, with-your, yes-sir, and-Mr.-Keeley, was-not, in-any-way, with-that, he-had, to-do, with-it, and-before-the, five-hundred, to-Keeley, he-had, helped-the, and-me-personally, and-also, my-father, I-think, and-part-of-the, that-you, in-consideration, of-that, and-future, I-do-not-think, it-would-have-been-necessary-for-us, to-send-him, you-never, to-send-the, I-stated, he-asked-me, if-the, was-made, would-we-take-care-of-him, and-I, I-thought, I-would-like-to-know-whether-that, before-or-after, you-paid-him, fifty, for-the, and-that, in-itself.

After concluding the above outlined work, have the matter contained on page 210 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 212

The following phrases should be written from dicta-

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tion at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Was-closed, and-the, that-you-got, better-than-the, from-him, yes-sir, I-got, I-wanted, you-have-had, a-great-deal-of, I-have-been, in-a-way, with-my, and-by, an-option, that-we-did-not, if-you-had-not, bought-the, Mr.-Keeley, at-that-time, fifty, would-you-have-been, and-would-you, to-make, a-trip, in-order-to, Mr.-Gleason, I-could-have, and-could-have, to-buy, but-as-he, paid-the, in-taking, out-there, and-told-me, he-had-made, to-get-the, and-had, some-money, all-that-it-was, and-I, to-him.

After concluding the above outlined work, have the matter contained on page 212 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 214

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Was-there, Mr.-Keeley, and-your-company, about-this, and-as, I-understand-it, fifty, was-simply, a-present, to-Mr.Keeley, for-him, to-pay-the, he-had, to-that-time, I-would-not-say, it-was, it-wasn't, any-more-than, and-I, could-have, without-it, I-thought, inasmuch-as, a-rig, and-gone, to-some-trouble, I-would, treat-him, it-was, to-get, and-to, close-the, an-understanding, between-you, and-Gleason, when-you-saw-him, on-the, that-he-would, give-you, a-new, on-this, which-he, yes-sir, he-told-me, that-he, did-not-think, a-chancee, with-it, and-the, an-end, and-Mr.-Gleason, would-not, give-him, any-more, on-it, I-had, from-your, a-land, would-you-say, that-the, on-account, of-the, of-it.

After concluding the above outlined work, have the matter contained on page 214 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

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PAGE 216

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

And-the, short-time, it-had, to-run, I-know, I-would-not-have, might-have-been, some-money, to-someone, it-wasn't, to-me, we-had, a-good-many, thousand, of-our-own, to-sell, helped-me, to-get, redirect-examination, I-will-ask-you-to-state, all-the; send-him, five-hundred, that-is-objected, a-repetition, and-not, I-felt, had-been, with-us, how-was-he, with-this, and-other, helping-you, with-the, yes-sir, that-is-one, of-the, in-which-he, to-you, helped-us, he-had, helped-you, in-the, and-that-was-the, with-the-other, that-you-sent-him, yes-sir, put-me, to-other, around-there, he-would, tell-me-the.

After concluding the above outlined work, have the matter contained on page 216 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

PAGE 218

The following phrases should be written from dictation at least fifty times at a rate of speed at which you can make neat, uniform and symmetrical outlines:

Character-of-the, and-he-told-me, all-of-the, around-there, and-whether-the, putting-the, on-them, he-wanted, to-get-us, into-that, and-get-us, in-land, as-it-would-make-the, how-about-this, of-your, that-you, spoke-of, you-do-not-know, no-sir, get-away, on-the, a-half, are-you-willing, to-waive-the, of-the, to-this, under-the-circumstances, I-am.

After concluding the above outlined work, have the matter contained on page 218 dictated to you fifty times, limiting the speed to that at which you can execute neat, uniform and symmetrical notes.

EXPERT COURT REPORTER

(Cover Page)

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA IN AND FOR THE COUNTY OF MEAGHER

ROBERT W. BRIDE,)
Plaintiff,)
vs.)
CHARLES L. KEELEY,)
Defendant.)

Deposition of
LAWRENCE BATES.

Appearances:

O. B. WINSTON, Attorney for Plaintiff.
CHARLES C. NORTON, Attorney for Defendant.

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EXPERT COURT REPORTER

IN THE DISTRICT COURT OF THE TENTH JUDICIAL DISTRICT OF THE STATE OF MONTANA IN AND FOR THE COUNTY OF MEAGHER

ROBERT W. BRIDE,)
Plaintiff,)
vs.) DEPOSITION.
CHARLES L. KEELEY,)
Defendant.)

Deposition of LAWRENCE BATES, a witness of lawful age, taken on behalf of the plaintiff in the case of Robert W. Bride, plaintiff, vs. Charles L. Keeley, defendant, pending in the District Court of the Tenth Judicial District of the State of Montana, in and for the county of Meagher, pursuant to stipulation hereto attached, duly signed by the attorneys for the respective parties, before Robert F. Rose, a Notary Public, in and for the county of Lewis and Clark and state of Montana, at his office in the Electric Block in the city of Helena, county of Lewis and Clark, on the twenty-first day of October, 1912, at the hour of 9 o'clock a. m.

PRESENT:

Mr. O. B. Winston, attorney for the plaintiff;
Mr. Charles C. Norton, attorney for the defendant.

Whereupon the following proceedings were had and testimony taken:

vs

Meagher.

Robert W. Bride

Oct. 21, 1912 - 9 a.m.

vs.

Lawrence Bates

Charles L. Keeley

Pursuant to stipulation

Appearances -

O.B. Winston,

L.S.

Charles C. Norton,

L.S.

L.S. o ~ h c r

EXPERT COURT REPORTER

LAWRENCE BATES

a witness of lawful age, was produced on behalf of the plaintiff, and having been first duly sworn by the Notary Public, testified as follows:

DIRECT EXAMINATION

BY MR. WINSTON:

Q Please state your name, Mr. Bates.

A Lawrence Bates.

Q And your occupation and residence?

A I am in the real-estate business, and—well, I have no set residence.

Q What do you consider your address?

A Well, partly at one place and partly at another. Partly at White Sulphur Springs and partly at Chicago and partly at Helena and partly at St. Paul.

Q I will ask you if you will please state the circumstances under which you first became acquainted in any way with the Gleason ranch in Sweet Grass and Meagher Counties, Montana?

A Well, I first heard of the ranch through my father. I had no description of it, but was told that Mr. Keeley, of Harlowtown, had some lands around there and that in all probability he could put me next to some deals, and I went to Harlowtown sometime afterward and I met Mr. Keeley there and he mentioned several properties to me and he wanted me to see some of them. As near as I can remember I saw some of them and others I did not.

Q Did you first talk in regard to the Gleason ranch with Mr. Keeley or Mr. Bride?

Lawrence Bates 4

h x

"

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EXPERT COURT REPORTER

A I never met Mr. Bride.

Q I will get you to state the first conversation you had in regard to those lands.

A As near as I can recall, I had my first conversation with my father and then with Mr. Keeley.

Q Do you remember when it was you had your first conversation with Mr. Keeley in regard to those lands?

A No, I do not remember exactly.

Q I would like for you to state, with reference to the time that you bought the ranch, about how long prior to that was it that you first talked with Mr. Keeley?

A To the best of my recollection, it was about June 18, 1908, something like that.

Q And you had not talked with him regarding the ranch prior to that time?

A As well as I can remember, I had not. I think that he produced an option, and said something about it, but it did not look very good to me.

Q I will ask you to state in your own way what the dealings were that you had with Mr. Keeley regarding that land, particularly with reference to the time?

A You see, it was about four years ago, and I did not keep a diary, but as near as I can remember, it was in June.

Q Did he write you about it?

A No, sir.

Q Do you remember the first conversation you had with him in regard to this land?

A He said he had an option. I said it was not much good

Handwriting practice on ruled paper showing various cursive strokes and letter groups.

Top row: *l o d y*, *o n t*, *l o d*

Second row: *l o n t*

Third row: *h } h e a r t*, *h e a r t*

Fourth row: *l o f*

Fifth row: *s u p*, *u h*, *u v*, *u g*

Sixth row: *u w*, *u v*, *u l*

Seventh row: *g l*, *g m*, *g v*, *g j*

Eighth row: *g l*, *g m*, *g v*, *g j*

Ninth row: *l v*, *l*

Tenth row: *h o d*, *g*, *l o d*, *p v f b l*

EXPERT COURT REPORTER

because it only ran ten days and the payments were too heavy.

Q It must have run more than ten days at that time.

A No, sir, not when I was figuring on the land. He wanted me to go out and see the ranch anyway.

Q And you said "No"?

Mr. Norton: That is objected to as leading and suggestive.

A I did not care to pay Keeley a commission on a deal of that kind.

Mr. Winston: Q When did you next have a conversation with him about it?

A About that time. He wanted me to go and see it and he paid for the rig.

Q Was this conversation in the morning or in the afternoon?

A I do not know.

Q I will get you to state where it was?

A I think it was on the street in Harlowtown.

Q You went out with him on that day or was it the next day?

A No, I did not go with him. He hired a rig and sent me out.

Q When did you come back?

A I think it was the following day. I think I spent that night on the ranch and came back the following day.

Q What did you think of the land?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial.

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EXPERT COURT REPORTER

A It looked like a good ranch.

Mr. Winston: Q It looked to be worth more than five and a half dollars an acre?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and for the further reason that it has no bearing on the matters set forth in the petition in this proceeding.

A It looked as if it were worth that much money.

Mr. Winston: Q How many acres were there in that land?

A Eight thousand eight hundred and twenty-six acres.

Q When you got back to Harlowtown, what did you do next?

A I saw Keeley.

Q Did you try to get a buyer?

Mr. Norton: I object to that as leading and suggestive.

Mr. Winston: Q Did you say to Keeley that you would try to get a buyer?

Mr. Norton: I make the same objection.

A No, I do not think I told Keeley anything like that.

Mr. Winston: Q Do you recall what you did say?

A As near as I can remember, I told him that the option was not worth anything, and that I had had a talk with Gleason and Gleason had said he would give me another option.

Q Gleason said that he would give you another option when that one expired?

Handwriting practice sheet featuring various Arabic characters and words written in cursive script across four horizontal lines with red vertical grid lines.

Arabic words and characters include:

- أَنْتَ (Anta - You)
- مَا (Ma - What)
- كُلُّ (Kullu - All)
- كُلُّ مَا (Kullu Ma - All what)
- كُلُّ شَيْءٍ (Kullu Shai' - All thing)
- كُلُّ شَيْءٍ مَا (Kullu Shai' Ma - All thing what)
- كُلُّ شَيْءٍ كُلُّ (Kullu Shai' Kullu - All thing all)
- كُلُّ شَيْءٍ كُلُّ مَا (Kullu Shai' Kullu Ma - All thing all what)
- كُلُّ شَيْءٍ كُلُّ شَيْءٍ (Kullu Shai' Kullu Shai' - All thing all thing)
- كُلُّ شَيْءٍ كُلُّ شَيْءٍ مَا (Kullu Shai' Kullu Shai' Ma - All thing all thing what)
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EXPERT COURT REPORTER

A I think so—or if I got that one out of the way he would give me another option.

Q State whether or not you had to get this paper out of the way or to wait until July 1st, when it ran out?

A Yes, sir.

Q I would like to know the date of the next transaction concerning that land or the purchase of it?

A The following day, when Gleason came there.

Q Was that the day following your return to Harlowtown?

A As near as I can remember, it was. It must have been the following day.

Q In other words, it was about three or four days after you had the talk with Keeley about the ranch?

A Yes.

Q I would like to know what happened the day when he came in?

A I think Keeley wanted some money for the option—how much I have forgotten—and I told him that I would give him fifty dollars to pay his expenses because it wasn't worth anything to me.

Q Was that the day Mr. Gleason came in?

A Yes.

Q I will ask you to state whether or not you had shown this land to Nelson?

A I think Mr. Nelson came out later.

Q From St. Paul.

A No, from Iowa. He was not a buyer in no sense of the word; he was simply a promoter.

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EXPERT COURT REPORTER

Q Why did you show him the land?

A Because I wanted to have him see it, if he was going to sell stock in the company.

Q Are you sure that Nelson came there after you had purchased this ranch?

A Yes, sir. He was associated with us.

Q I would like for you to give me the conversation you had with Keeley concerning this fifty dollars, the purchase price for the option?

A As near as I can say, Keeley wanted a large commission, an unreasonable commission.

Q About how much did he want?

A I do not remember how much—possibly twenty-five or fifty cents an acre.

Q State whether or not you argued that with him?

A No, sir, I did not. I told him I would not pay it, because it was my business to buy property without paying a commission.

Q And this lasted several hours, this discussion as to whether he would give it to you without a commission?

A I do not know whether or not it was an hour or fifteen minutes.

Q Now, to refresh your recollection, didn't he continue to insist for a commission—

A Yes, but I would not pay it. I told him I would give him fifty dollars.

Q I will ask if he did not say to you "What am I going to get if the deal goes through"?

A No, sir. That came afterward, after the deal was all through, and Mr. Gleason had signed up an option with me at a later date.

Q I will ask if you did not say to Keeley at that time that you would do what was right?

A No, I did not.

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Q What did you say?

A Keeley said, "If you come out on this deal all right and make some money, you will remember me, won't you"? or something like that?

Q And you said "Yes"?

A No, sir, I did not bind myself at all. I said in a laughing way that we would look after him or something of that kind.

Q Isn't it a fact that you told me in Butte, Mr. Bates, that the conversation was like this, that Keeley said to you "If this deal goes through"—no, didn't you say this, "what do you expect out of this," or something like that, and didn't he say "whatever is right"?

A No, I do not think so. I do not think I said anything like that. I said to you in Butte practically what I have said here, to my best recollection.

Q You mentioned the word "right" over there, Mr. Bates.

A I could not, Mr. Winston, for the reason that I am not absolutely clear what I did say. I was not under oath at that time, but I told you what happened to my best recollection, as it does not make any difference to me.

Q I will ask you, Mr. Bates, isn't it a fact that you told me in the dining room of the Thornton, didn't you use the phrase that Keeley had said "whatever is right" or "what is right"?

A Whether I said that or not, if I did say anything, it was "whatever I saw fit to give him." If I did not want to give him anything, I did not have to. I was not bound to give

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EXPERT COURT REPORTER

him anything. I never thought I was bound to give him anything.

Q Are you willing to swear that you did not say to me that Keeley answered, when you asked him "what do you expect to get out of it," that Keeley answered "whatever is right"?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and—

Mr. Winston: Q (Interrupting) I will refer to the date to make it clear.

Mr. Norton: Please let me get in my objection. And further, has no bearing upon any of the matters set forth in the petition in this case.

Mr. Winston: Q It was a matter of fifteen or sixteen days ago—

A It makes no difference. I remember the time.

Q Would you be willing to swear that you did not say that?

A I said a whole lot of things to you, Mr. Winston, not as a witness, but to give you the straight and unbiased truth concerning this transaction. You did not understand me if you got the impression that I said "whatever was right," because I said that I would take care of him or something like that. I had no idea I would be able to swing the deal, because I had no idea that Nelson and our company would be able to

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EXPERT COURT REPORTER

handle it, because such a transaction takes a whole lot of money.

Q You will testify that you said to him you would take care of him if the deal went through?

Mr. Norton: That is objected to.

A I said I would probably remember him. I laughed at the time. I did not take it seriously at all because I did not feel I was under any obligations to Keeley. As near as I can recollect, my idea was to keep Gleason on the good side of Keeley, and because Keeley was well acquainted with land at Harlowtown, and then I thought I could trust him and he could put me on to other deals, and I wanted to be friends with him.

Mr. Winston: Q I would like to know whether or not you know his reputation in the community in which he lives for truth and veracity?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and not touching any of the matters set forth in the petition in this proceeding, and not—

Mr. Winston: Q (Interrupting) Do you know it?

Mr. Norton: And also upon the ground that the proper foundation for the reception of such evidence has not been laid.

A That has no bearing upon this thing at all.

Mr. Winston: Q I ask you to state whether or not you know what his reputation is in the community in which he lives for truth and veracity? *

(* The constant repetition of the words "for truth and veracity" warrants the adoption of a special phrase.)

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EXPERT COURT REPORTER

Mr. Norton: I object to that on the same grounds.

A Do you mean now or at that time?

Mr. Winston: Q I mean now.

Mr. Norton: Please note the same objection.

A I know Mr. Keeley and I discount a great deal of what I hear.

Mr. Winston: Q Answer the question. State whether or not you know what his reputation is? I do not want what you think about it. Do you know whether his reputation for truth and veracity in the community in which he lives—do you know what it is?

A No, sir, I do not, because I never inquired. I only know what I heard.

Q You have heard what his reputation is?

A I have heard both good and bad. I did, in a way, from hearsay. I did not care and it did not bother me because in all I had to do with Keeley, everything was satisfactory.

Q Isn't it a fact that you know what his reputation is in the community in which he lives for truth and veracity?

Mr. Norton: I object to that as incompetent, irrelevant and immaterial, and as not related to any of the matters set forth in the petition, and because the proper grounds for the reception of impeaching testimony have not been laid, and because it calls for a conclusion of the witness, and is leading and suggestive, and he has answered the question that he does not know.

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Mr. Winston: Q Answer the question.

A What is the question?

(Last question read by the stenographer)

A I don't know how to answer that question. I don't know what the general reputation of Mr. Keeley is. I have heard both sides of it but what the general reputation is, I don't know. That is as near as I can answer that.

Q Now, about this option, that is, about the last conversation that you had with Keeley prior to the time that the deal went through, as to you remembering him if the deal went through. Now, will you state again—pardon the repetition—as near as you can remember, what the date was and what the conversation was as to you remembering him?

Mr. Norton: That is objected to as being a repetition and also on the grounds heretofore urged.

A Well, it was something like this, if we were successful and made some money out of the deal, we would look after him or take care of him or something like that.

Mr. Winston: Q Prior to that time had Keeley ever sold you any other option.

A No, sir, that was the first deal I ever had with him.

Q Are you willing to testify that he called your attention to the fact that the deal had gone through and the commission was due him?

A No. About fifteen months after that we had a letter from him. He had seen me in Harlowtown and he asked me if we

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EXPERT COURT REPORTER

were not going to remember him, and wanted to know if there was anything coming to him, as we had transferred the property to the company. I said I would see my associates in St. Paul, and then he wrote me as a reminder, because I had not taken it up.

Q How did he know that the deal had gone through?

A Oh, it was known that the deal had gone through, and it was a matter of record in the County books.

Q He said "since the deal has gone through, aren't you going to remember me?"

Mr. Norton: That is objected to as leading and suggestive and as incompetent, irrelevant and immaterial.

A Something like that.

Mr. Winston: Q He was referring, of course, to the Gleason ranch?

A Yes, and then he had been pretty decent to me in other things, and had put me next to three or four ranches for sale.

Q But the conversation referred, of course, to the Gleason ranch?

A Not particularly. I did not feel we were bound to give him anything and told him I did not think we would have to, but I would see the rest of the men in the company and would see what they thought.

Q I will ask you if it is not a fact that he was asking you about that particular ranch?

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EXPERT COURT REPORTER

A In a way. He wanted to know if we would remember him, if there was anything coming to him it was all right, and if there was not he wanted to know it.

Q I will ask you to state whether or not he used the words "the deal has gone through?"

A I do not know whether or not he used those words.

Q You say "in a way." This is rather important. That did refer to the Gleason deal absolutely and entirely, not "in a way." At that particular conversation it referred to that deal, not what you meant, but what you were talking about?

Mr. Norton: Oh, he has answered that. He said that it referred to several other things. That is a repetition and I object to it.

A I do not think it referred to the Gleason deal in particular, but inasmuch as he had been good to us in other ways, I said that we would see.

Mr. Winston: Q He was referring to the Gleason deal itself. That is what you said.

Mr. Norton: That is objected to as a repetition. He has already stated that it included several other deals or other commissions.

A Well, I suppose Keeley meant that deal. I do not know what he meant, but I would not have paid him, I don't suppose—if Keeley had not treated us white and helped us out at different times after we had made this deal, I would not have paid him the money. If he had let me alone I would not have

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EXPERT COURT REPORTER

paid him anything, but in view of all those things, I presume that Keeley thought he was entitled to something.

Mr. Winston: Q On that Gleason deal?

A Yes, and the others.

Q That, of course, was before the "Circle S" ranch deal went through?

A I was not with the company when the "Circle S" ranch deal went through. I had resigned from the company.

Q If you had resigned from the company, it must have been after.

A Not necessarily, because I still was associated with the company on the deals that had not been closed up yet, but any business that was taken on in the matter of new property, I had nothing to do with it.

Q There was another ranch deal, as I understand it, upon which Mr. Keeley had an option that he turned over to you, or later turned over to you?

A No. He sold the company some land.

Q The other was an out and out sale?

A I do not know anything about that, only I heard it was an out and out sale, and to the best of my knowledge it was.

Q Mr. Keeley in a letter referred to a commission on account of the ranch?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial. The letter is the best evidence.

Mr. Winston: Q Mr. Keeley's letter was as follows:

"Lawrence Bates, Esquire, St. Paul, Dear Sir: When you

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EXPERT COURT REPORTER

were here, you told me you would see your company in regard to the commission on the ranch deal due me. If there is anything due me, I wish you would have them send me a check. If there is not any, please advise me. Yours truly, Charles L. Keeley." Now, he says "the ranch deal." Do you know what ranch he refers to in that letter?

Mr. Norton: The letter is the best evidence in itself, and I object to that.

A He referred to the Gleason ranch, of course.

Mr. Winston: Q Now, Mr. Bates, I would like to know why he used the term "commission"? Do you know that?

A I do not know. He is apt to use any kind of a term. I suppose it was his way of expressing what he thought was due him, whether it was a commission or a gift or a present or a demand.

Q And it was when you received that letter that you turned to the secretary of the company and said "here is a letter from Keeley," or something like that? "I suppose he wants about eight hundred dollars and we will give him five hundred and see if that won't quiet him."

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and as being a conversation between parties had out of the presence of Mr. Keeley, and as not being related to any of the issues or matters set forth in the petition in this proceeding, and also as a leading and suggestive question.

A. No.

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EXPERT COURT REPORTER

Mr. Winston: Q Now, tell me, Mr. Bates, what did you say to your secretary regarding the letter for \$500?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, until it is shown that Mr. Keeley was present and the conversation was had in his presence.

A It was not my secretary in the first place. It was Mr. Taylor, who is a partner of mine, and is secretary-treasurer. To my best recollection I received this letter and took it to Mr. Taylor and said "Here is a letter from Keeley." I had talked with him already about the matter and we decided that inasmuch as Keeley had played fair with us and had done so many favors for us, we ought to do something for him in some sort of way, and Taylor asked me what I thought was right. I said "Oh, I suppose \$600," and Taylor says "Well, that is pretty strong, because we do not have to pay him anything and we need the money as much as he does" and we finally decided to send him \$500, which we did.

Mr. Winston: Q About how long was that after this letter was received by you?

A I do not know the date of the letter, but I imagine it was within a few days. As near as I can recollect, it was within a few days after we received it, and it was sent on September 24, 1909.

Q Have you a copy of the letter you sent to him?

A Yes, sir.

Q Read it into the record.

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EXPERT COURT REPORTER

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and as not having any bearing upon any of the matters set forth in the petition in this proceeding, and as not being the original letter, and consequently not the best evidence, and as hearsay.

A This letter is dated September 24, 1909. It reads: "Charles L. Keeley, Esquire, Harlowtown, Montana, Dear Sir: Your letter of recent date to Mr. Bates has been handed to us, and we enclose herewith our check for \$500, which we trust will be satisfactory. We hope, after we have turned some of our present holdings into money, to be able to do some more business in your country which will be of mutual benefit and beg to remain, yours truly." This letter, I believe, was signed by Mr. Taylor. I do not think I was with the company at that time—I am pretty sure of it.

Mr. Winston: Q Do you know upon what company that check was made?

Mr. Norton: That is objected to, as the check is the best evidence.

A It was made on the First National Bank. That is my recollection.

Mr. Winston: Q The First National Bank?

A Yes, sir, of St. Paul, Minnesota.

Q Do you know whether any other checks passed between your company and Charles L. Keeley.

A No.

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EXPERT COURT REPORTER

Q You do not know, or were there any others?

A I know that there were no others that had anything to do with this matter.

Q And there were no other checks passed between you and Mr. Keeley?

A No, sir.

Q And no other cash transactions other than the fifty?

A No, absolutely none.

Q I would like to know whether there were any other checks passed between your company and Charles L. Keeley other than the \$500 check and the check for the lands purchased from him, to which you referred a moment ago.

A I cannot tell whether that was paid by check. I had nothing to do with it. I have had no active interest with the company since that time.

Q At the time that you left the company, prior to that time there had been but one check passed between them, and that was this \$500 check.

A The \$500 check.

Q Did Mr. Keeley tell you at that time that Mr. Bride was a partner of his?

A No.

Q Did he refer to it at all?

A After the deal was closed he said something about a fellow claiming he had an interest in it, or something like that, but my deal was already made and closed, and I did not pay any attention to him and knew nothing about it and didn't care.

EXPERT COURT REPORTER

Q What is that land worth, Mr. Bates, at this time?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial, and as calling for a conclusion of the witness, and for the further reason that it has no bearing on any of the matters set forth in the petition filed in this proceeding or to any of the issues in the case in the court of Meagher County between Mr. Bride and Mr. Keeley, and further that it relates to a past transaction.

A What it will sell for.

Q This property is worth thirteen or fourteen dollars an acre; it will sell for that?

A No, sir. If it were mine, I would probably hold it at twelve dollars and sell it. If I were trying to buy it, I would probably try to buy it for ten dollars or less.

Q You think it could be sold now for ten dollars an acre?

A Possibly. You cannot sell anything nowadays.

Q And your company sold this land to the Sweet Grass Land Company?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial.

A Yes, sir.

Mr. Winston: Q When was that?

A August, 1908.

Q At what price was it sold to the Sweet Grass Land Company?

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EXPERT COURT REPORTER

Mr. Norton: Objected to as incompetent, irrelevant and immaterial.

A I think it was about seven and a half dollars an acre. It was probably considerably less than that, because we had the expense of organizing the company and doing all of the work and making the railroad fences.

Mr. Winston: Q When you say considerably less, what have you to say as to the exact price?

A I don't know. I have not the books. I don't know because I do not know what the expenses were.

Q You told me it was seven and a half an acre.

A I told you the property was turned into the company at seven and a half an acre.

Q I would like to know whether or not the Sweet Grass Land Company is still in existence?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial.

A To the best of my knowledge it is.

Mr. Winston: Q Who was the president of that company at that time?

Mr. Norton: Objected to as incompetent, irrelevant, and immaterial.

A I don't remember.

Mr. Winston: Q Did you have any conversation with any of the members of the Sweet Grass Land Company regarding the sale of it?

Mr. Norton: Objected to as incompetent, irrelevant and immaterial.

A Yes.

Mr. Winston: Q I would like to know whom it was you talked with?

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EXPERT COURT REPORTER

Mr. Norton: Same objection.

A Well, I don't remember exactly. I probably had a good many of them. I talked with Mr. Taylor and Mr. Nelson. They were stockholders.

Mr. Winston: Q Is that a Montana corporation?

A I do not know.

Q I would like to know if you had anything to do with the forming of the corporation?

A Absolutely nothing.

Q Have you any other correspondence connected with the sale of that land with you?

A No, I don't know that I have any at all.

Q Have you any books relating to it?

A No.

Q Did you transfer your option to the company in writing?

A No. I was a partner in the concern and I just simply turned it into them as I did all my options. They simply did business with Mr. Gleason.

Q Were you a stockholder in the Sweet Grass Land Company?

A Yes.

Q How much stock did you have?

Mr. Norton: To which we object as incompetent, irrelevant and immaterial. The record is the best evidence.

A Seventeen hundred dollars worth of stock.

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EXPERT COURT REPORTER

Mr. Winston: Q Your company made two dollars an acre on this transaction?

A No, sir.

Q How much did you make?

Mr. Norton: Objected to as incompetent, irrelevant and immaterial.

A We made in the neighborhood of \$12,600.

Mr. Winston: Q How do you estimate that?

Mr. Norton: Objected to as incompetent, irrelevant and immaterial.

A Each of us had \$1,700 worth of stock. We had expenses out of this and probably our profit did not amount to more than \$10,000 at the most.

Mr. Winston: Q Does the Sweet Grass Land Company own that land now?

Mr. Norton: Objected to as incompetent, irrelevant and immaterial.

A I don't know.

Mr. Winston: Q Did the Sweet Grass Land Company ever sell that land?

Mr. Norton: That is objected to as incompetent, irrelevant and immaterial.

A I don't know.

Mr. Winston: Q Did you sell your stock?

Mr. Norton: The same objection.

A Yes, sir.

Mr. Winston: Q To whom?

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EXPERT COURT REPORTER

A M. J. Brady.

Mr. Winston: Q For how much?

Mr. Norton: Same objection.

A Seventeen hundred dollars.

Mr. Winston: Q When did you sell it?

Mr. Norton: Same objection.

A This spring.

Mr. Winston: Q You knew that this land had changed hands, didn't you, this Gleason ranch?

Mr. Norton: Same objection.

Mr. Winston: Q For eleven and a half dollars an acre?

Mr. Norton: Same objection.

A I presume it had; I never saw the contract.

Mr. Winston: Q You understood that it sold for eleven dollars and fifty cents?

Mr. Norton: Same objection.

A That is to the best of my knowledge.

Mr. Winston: Q Did you know to whom that was sold?

A No, I don't know exactly,

Q Whom do you think it was sold to?

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EXPERT COURT REPORTER

Mr. Norton: Same objection.

A I think it was sold to M. A. Rice and M. J. Brady. There was no real money put down on it, and it did not look good to me as a sale because I did not think they would go through with it, as I did not think they had the money.

Mr. Winston: Q Did they finally come through?

A I don't know.

Q It was an agreement for sale?

A It was an agreement for sale.

Q Have you any correspondence with you regarding the Sweet Grass Land Company?

A No, sir.

Q What other correspondence have you with you concerning this?

A None.

CROSS EXAMINATION

BY MR. NORTON:

Q The \$500 that the company sent Mr. Keeley did not apply alone to this Gleason transaction, but was for other matters which he had attended to for you in other deals, deals which he had put you on to, and it was for the purpose of keeping in good standing with him?

A Yes, sir, and for what he would do in the future.

Q I will ask you to state whether there was any agreement or understanding between yourself and Mr. Keeley at that time to pay him anything or that he was entitled to anything other than the \$50 for that option?

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EXPERT COURT REPORTER

A There was absolutely no agreement.

Q Will you tell whether anything was ever paid to him directly or indirectly further than what you have testified?

A Nothing.

Q You had made the arrangements with Mr. Keeley partly for the purpose of getting the option on this land at the time that the Keeley option expired.

A Yes. I would not have taken Keeley's option if I did not have an understanding with Gleason; I would not have considered it a moment, because the terms required the payment of the money in two years and it would have been impossible for us to handle it on that basis.

Q Did you tell Keeley that?

A Yes.

Q And that transaction for the Gleason ranch was with Mr. Gleason?

A Absolutely.

Q It was between you and Gleason?

A Yes, sir; as this paper will show.

Q I would like to know how long it was after you secured this option from Mr. Keeley when this check for \$500 was given to Mr. Keeley?

A About fifteen months.

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EXPERT COURT REPORTER

Q And in the meantime, I will ask you if he put you on to other deals?

A A great many.

Q And the five hundred included all the deals and transactions you had with Keeley, including the Gleason transaction?

A Yes.

Q And it was not intended that the five hundred should pay him for the Gleason transaction alone, but that it should include all the other transactions?

A Yes, sir.

Q And did Mr. Keeley in the meantime or about that time give your company and yourself tips on other deals, and did he sell you some lots?

Mr. Winston: We object to that as incompetent and irrelevant and in no manner pertaining to the issues.

A We bought some lots, the company did. I don't know what the lots were.

Mr. Norton: Q The first intimation concerning the Gleason transaction was from whom?

A The first intimation concerning the Gleason transaction was from my father.

Q And where does your father live?

A In Seattle. He did not live in Seattle at that time, but in Butte.

Q And the \$50 that you paid to Keeley was because of the option, and you wanted to get rid of that option, and you

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EXPERT COURT REPORTER

wanted to take an option direct from Gleason at that time in order to save you a trip back to Harlowtown?

Mr. Winston: That is objected to as incompetent, irrelevant, and immaterial.

A Yes.

Mr. Norton: Q And you say at that time the option was worthless?

A It was worthless to me.

Q And the deal was made by Mr. Gleason with your company?

A Yes, sir.

Q And Mr. Keeley was not in any way, directly or indirectly, connected with that deal?

A No; he had nothing to do with it.

Q And before the check for five hundred was sent to Keeley he had helped your people with other deals?

A Helped the company and me personally, and also my father, I think.

Q And part of the five hundred that you sent him was in consideration of that and future favors?

A Yes, sir. I did not think it would have been necessary for us to send him this money.

Q You never obligated yourself or promised to send him money?

A No. As I stated before, he asked me if the deal was made would we take care of him, and I said I thought we probably would.

Q I would like to know whether that conversation was before or after you paid him the \$50 for the option and that deal was in itself closed?

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EXPERT COURT REPORTER

A The deal was closed.

Q And the option that you got from Gleason was better than the option that Keeley got from him.

A Yes, sir. I got it the way I wanted it.

Q You have had a great deal of experience in land matters, promoting, etc.?

A Not a great deal. I have been very successful in a way with my company and by myself. We very seldom took an option that we did not go through with.

Q If you had not bought the option from Mr. Keeley at that time for \$50, would you have been out considerable money, and would you probably have had to make a trip back in order to conclude the deal with Mr. Gleason?

A I could have signed up my option with Gleason and dated it July 1st, and could have waited there at Harlown-town, or could have bought Mr. Keeley's option. The easiest way was to buy Mr. Keeley's option for \$50, but as he had paid the livery hire in taking me out there and told me he had made a trip to get the option and had used some money, the fifty was all that it was worth and I gave it to him.

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EXPERT COURT REPORTER

Q Was there any collusion or secret understanding between Mr. Keeley and your company about this option?

A Absolutely none.

Q And as I understand it, the giving of the \$50 was simply a present to Mr. Keeley for him to pay the expenses he had incurred up to that time.

A Well, I would not say it was a present. It wasn't worth any more than \$50, and I could have gotten along without it, but I thought inasmuch as Keeley had taken me out in a rig and gone to some trouble himself, I would treat him fairly. It was only of value in helping me to get my option with Mr. Gleason and to close the thing up promptly.

Q Was there an understanding between you and Gleason when you saw him on the ranch that he would give you a new option on this land, which he did give you?

A Yes, sir. He told me that he did not think Keeley had a chance of coming through with it.

Q And the Keeley option was at an end on the 1st of July?

A Yes, and Mr. Gleason would not give him any more time on it since I had shown up.

Q From your experience as a land buyer, would you say that the option was of any value whatever on account of the terms of it

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EXPERT COURT REPORTER

and the short time it had to run?

A I know I would not have wanted it.

Q You considered it worthless?

A Why, it might have been worth some money to someone, but it wasn't worth anything to me because we had a good many thousand acres of our own to sell. It helped me to get Gleason's option.

RE-DIRECT EXAMINATION

BY MR. WINSTON:

Q I will ask you to state all the circumstances that induced you to send him this \$500?

Mr. Norton: That is objected to as a repetition and not proper re-direct examination.

A Because I felt Keeley had been fair with us.

Mr. Winston: Q In what? How was he fair?

A In helping us along with this deal and other deals.

Q In helping you along with the Gleason deal?

A Yes, sir.

Q That is one of the places in which he was fair to you?

A That was one of the deals in which he had helped us.

Q He had helped you in the Gleason deal and that was the reason, together with the other things, that you sent him the check?

A Yes, sir; and he had also put me next to other ranches around there; he would tell me the character of the land, and

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EXPERT COURT REPORTER

he told me all of the good properties around there and whether the parties were putting the right prices on them. He wanted to get us into that country and get us to operate in land, as it would make the lands more valuable.

Q How about this deal of your father's that you spoke of? You do not know what that deal is?

A No, sir.

Mr. Norton: This witness desires to get away on the train which leaves within a half hour. Are you willing to waive the signature of the witness to this deposition?

Mr. Winston: Under the circumstances, I am.

Whereupon the signature of the witness to this deposition was waived by stipulation of the parties.

State of Montana,)
) SS.
County of Lewis and Clark,)

I, Robert F. Rose, a duly commissioned Notary Public of the state of Montana, in and for the County of Lewis and Clark, do hereby certify that pursuant to and by virtue of the attached stipulation made and entered into by and between the attorneys for the respective parties in the case of Robert W. Bride, plaintiff, versus Charles L. Keeley, defendant, now pending in the District Court of the Tenth Judicial District of the State of Montana, in and for the County of Meagher,

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EXPERT COURT REPORTER

I took the deposition of Lawrence Bates, a witness of lawful age, named in said stipulation, on behalf of the plaintiff, on the 21st day of October, 1912, beginning at the hour of nine o'clock a. m., and concluding at 10:28 a. m., of said day.

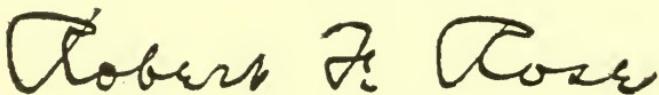
I further certify that there were present at said hearing Mr. O. B. Winston, attorney for the plaintiff, and Mr. Charles C. Norton, attorney for the defendant.

I further certify that before the taking of the deposition the said Lawrence Bates was duly sworn by me to tell the truth, the whole truth, and nothing but the truth concerning the matters in controversy in said case, and about which he might be interrogated by the attorneys representing the respective parties; that the said deposition was conducted by oral questions and answers and said oral questions to and answers of said witness were taken by me in shorthand and transcribed on the typewriter under my direction and supervision; that the foregoing is a true and correct transcript of the shorthand notes taken by me of the questions and answers, and objections and proceedings had at the time of taking said deposition.

I further certify that I have no interest in any manner whatsoever in the outcome of said proceeding; that I am not related to, in the employ of, or in any way connected with the parties to said proceeding or the attorneys for the respective parties.

I further certify that by stipulation of the attorneys representing the respective parties to said proceedings, the signature of said witness to said deposition was waived.

In witness whereof I have hereunto set my hand and affixed my notarial seal this 23rd day of October, 1912.



Notary Public.

(Notarial Seal)

My Commission expires September 1, 1915.

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ings**

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**How to Improve Your Memory—
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